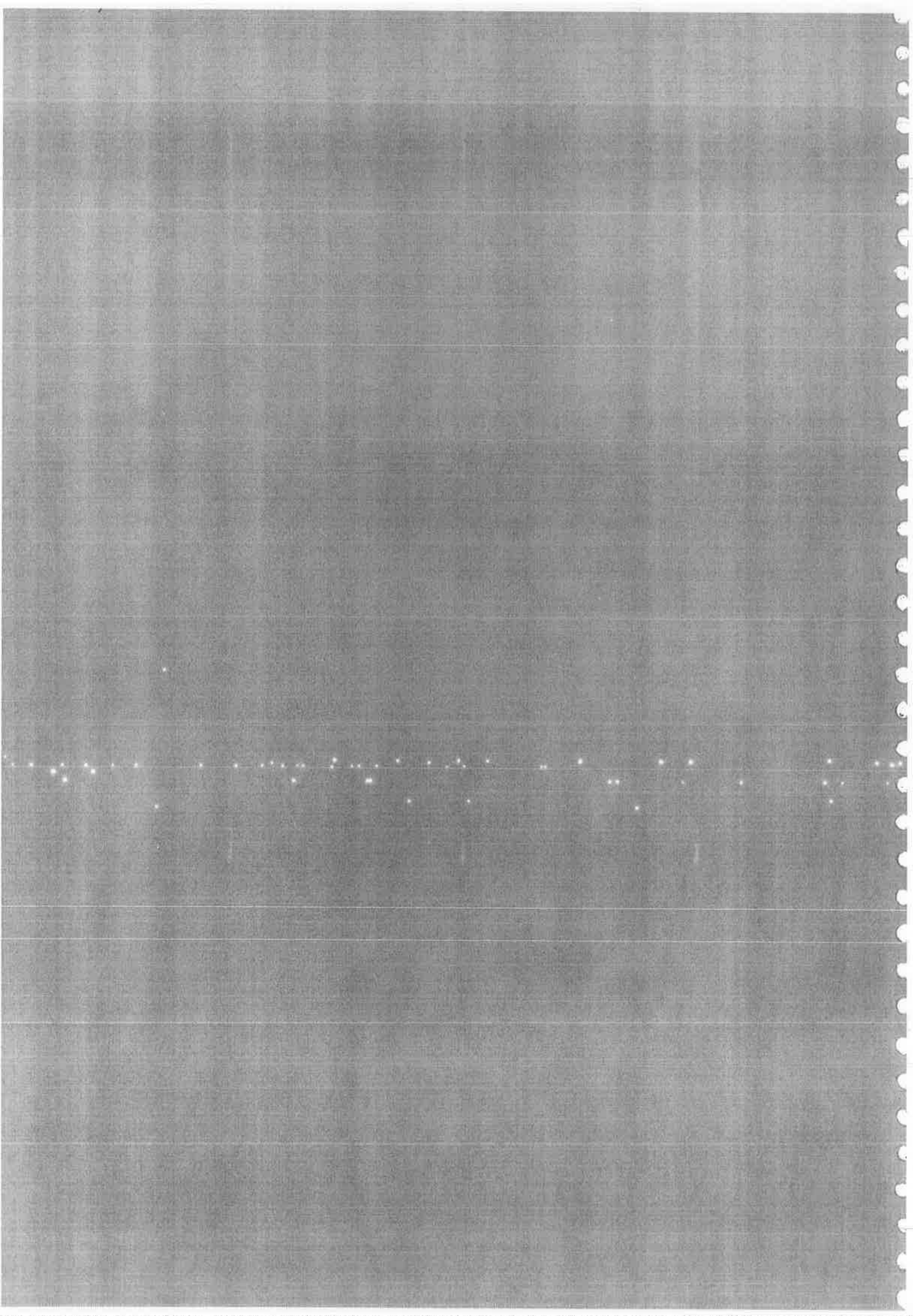
CABE Committee
on
"Free and Compulsory Education Bill and Other Issues Related to Elementary Education"

Second Meeting, 24th December 2004,
CSIR Science Centre, New Delhi

Papers Submitted
For
Circulation to Members

Government of India
Ministry of Human Resource Development
Department of Elementary Education and Literacy



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Index to Documents

Document submitted by:

Prof. Shantha Sinha: Extracts from the Constituent Assembly Debates showing:

i. The need for the need for linking abolition of Child labour with education up to the age of 14

ii. The need to respect Articles under Fundamental Rights as supreme

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- The need to respect Articles under Fundamental Rights as supreme

2. THE NEED TO RESPECT ARTICLES UNDER FUNDAMENTAL RIGHTS AS SUPREME AND ANY OTHER LAW ENACTED PRIOR TO THAT WHICH IS INCONSISTENT WITH THE FUNDAMENTAL RIGHTS STANDS ABROGATED. IN OUR CONTEXT THEREFORE WE NEED TO AMEND THE CHILD LABOR PROHIBITION (AND REGULATION) ACT 1986, AS IT IS INCONSISTENT WITH THE PROPOSED DRAFT ON FREE AND COMPULSORY EDUCATION AND INTRODUCE THE PROVISIONS FOR A TOTAL ABOLITION OF CHILD LABOR IN ALL ITS FORMS IN THE TEXT OF THE NEW DRAFT.

The Honourable Dr. B. R. Ambedkar : From the speeches which have been made on article 13 and article 8 and the words " existing law " which occur in some of the provisos to article 13, it seems to me that there is a good deal of misunderstanding about what is exactly intended to be done with regard to existing law. Now the fundamental article is article 8, which specifically, without any kind of reservation, says that any existing law which is inconsistent with the Fundamental Rights as enacted in this part *of* the Constitution is void. That is a fundamental proposition and I have no doubt about it that any 'trained lawyer, if he was asked to interpret the words "existing law " occurring in the sub-clauses to article 13, would read " existing law " in so far as it is not inconsistent with the fundamental rights. There is no doubt that that is the way in which the phrase " existing law " in the subclauses would be interpreted. It is unnecessary to repeat the proposition stated in article 8 every time the phrase " existing law " occurs, because it is a rule of interpretation that for interpreting any law, all relevant sections shall be taken into account and read in such a way that one section is reconciled with another. **Therefore the Drafting Committee felt that they have laid down in -article 8 the full and complete proposition that any existing law, in so far as it is inconsistent with the Fundamental Rights, will stand abrogated.** The Drafting Committee did not feel it necessary to incorporate some such qualification in using the phrase " existing law " in the various clauses where these words occur. As I see, many people have not been able to read the clause in that way. In reading " existing law ", they seem to forget what has already been stated in article 8. In order to remove the misunderstanding that is likely to be caused in a layman's mind, I have brought forward this amendment to sub-clauses (3), (4), (5) and (6) I will read for illustration sub-clause (3) with my amendment.

1. THE NEED FOR LINKING ABOLITION OF CHILD LABOR WITH EDUCATION UP TO THE AGE OF 14.

Article 36

Pandit Lakshmi Kanta Maitra: (West Bengal: General): Mr. Vice-President, Sir I beg to move:

" That in article 36, the words ' every citizen is entitled to free primary education and ' be deleted."

Sir, I will strictly obey the injunction given by you regarding curtailment of speeches. I will put in half a dozen sentences to explain the purpose of this amendment. If this amendment is accepted by the House, as I hope it will be, then the article will read as follows: " The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years." .....

Mr. Naziruddin Ahmad : (West Bengal : Muslim) : Sir, I beg to move:

" That in article 36, for the word ' education ', the words ' primary education ' be substituted."

The Honourable Dr. B. R. Ambedkar : Sir, I accept the amendment proposed by my friend, Mr. Maitra, which suggests the deletion of the words " every citizen is entitled to free primary education and ". But I am not prepared to accept the amendment of my Friend, Mr. Naziruddin Ahmad. He seems to think that the objective of the rest of the clause in article 36 is restricted to free primary education. But that is not so. **The clause as it stands after the amendment is that every child shall be kept in an educational institution under training until the child is of 14 years. If my Honourable Friend, Mr. Naziruddin Ahmad had referred to article 18, which forms part of the Fundamental Rights, he would have noticed that a provision is made in article 18 to forbid any child being employed below the age of 14. Obviously, if the child is not to be employed below the age of 14, the child must be kept occupied in some educational institution. That is the object of article 36, and that is why I say the word " primary " is quite inappropriate in that particular clause, and I therefore oppose his amendment.**

[The motion of Pandit Maitra was adopted. The motion of Naziruddin Ahmad was negatived.]

Article 36, as amended, was added to the Constitution.

" Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law, imposing in the interests of public order. "

I am accepting Mr. Bhargava's amendment and so I will add the word " reasonable " also.

" Imposing in the interests of public order reasonable restrictions on the exercise of the right

conferred by the said sub-clause. "

Now, the words " in so far as it imposes " to my mind make the idea complete and free from any doubt that the existing law is saved only in so far as it imposes reasonable restrictions. I think with that amendment there ought to be no difficulty in understanding that the existing law is saved only to a limited extent, it is saved only if it is not in conflict with the Fundamental Rights.

3. THE NEED FOR COMMON SCHOOL SYSTEM

ARTICLE 35

With regard to amendment No. 323 moved by Professor K. T. Shah, the object of which is to add " Scheduled Castes " and " Scheduled Tribes " along with women and children, I am afraid it may have just the opposite effect.

The object which all of us have in mind is that the Scheduled Castes and Scheduled tribes should not be segregated from the general public.

For instance, none *of* us, I think, would like that a separate school should be established for the Scheduled Castes when there is a general school in the village open to the children of the entire community. If these words are added, it will probably give a handle for a State to say, " Well, we are making special provision for the Scheduled Castes ". To my mind they can safely say so by taking shelter under the article if it is amended in the manner the Professor wants it. I therefore think that it is not a desirable amendment.

Document submitted by:

TN-forces:

- A critique of the draft Bills
- A Proposal for a Bill for Free and Compulsory Education

TN-FORCES

Draft Law for Submission to the Government of India on THE FREE AND COMPULSORY AND EQUITABLE EDUCATION BILL, 2004.

The Free and Compulsory And Equitable Education Bill, 2004

Introduction

1. **Due to globalisation** too much of school education has become privatized and **marketable**: increasingly the state is abrogating its responsibilities to fulfill its constitutional obligations and has consistently decreased budgetary allocations every year for education. This draft law is based on the understanding that despite the Constitution 86th Amendment the Free and Compulsory Education Bill should guarantee the right to education to all children upto 18 years or Std. XII.or equivalent

2. The first principle of the enabling law is that it cannot provide for rights lesser than what the Constitutional 86th Amendment has provided. Article 21 A is categorical that all children 6-14 years have the right to education. The 86th Amendment makes no distinction between Government, aided, substantially aided, recognied non-formal, etc. **Dichotomy in education cannot be accepted** hence we must redraft a law that is guaranteeing **formal**–free, quality, compulsory and **equitable** education in **any** school. The poorest child–all of them have a right to be admitted, be provided free, quality education and retained in **any school of his/her choice in the neighbourhood**. The Amendment does not reduce this right to a quota system of 20% for not substantially aided schools. Hence this law must give up quotarisation of education based on class, caste and language. By implication to make this Constitutional right or the right in Unnikrishnan Judgement realisable– every child also has the right to be taught in the language of their communication / mother tongue.

3. If we accept this argument as central then free must include quality and standards of free as laid down in the Draft Bill are inadequate. This implies that besides defining the economic parameters of free we need to include the essentials of quality – equitable education as a definition of free. **The definition of free education must encompass the meaning of equitable and quality education. Free must guarantee access to any approved / recognised school with quality education provided even to the poorest of the poor children in the school of their neighbourhood, in their language and free of all charges. Common school system should form the basis of free education.**

4. Since the Constitution 86th Amendments is a right of all children, the Approved Schools definition should not restrict this right. The definition is restrictive and discriminatory. It does not promote equitable and quality education, which is the guarantee ensured by the Constitution Amendments. It leaves out of its purview- recognised schools not substantially aided and includes education guarantee centre or alternative schools. All children have the right to quality, free and compulsory education in any school as per the 86th Amendment. Unless the definition of approved schools to include all schools is recognised this law is not acceptable.

5. Secondly there are too many authorities. The Local Authority entrusted with powers of management and finances and control over personnel is sufficient as a single

authority. At best there can be a Local Education Committees / Authority comprised of elected members of the local government, village education committee to represent the gram sabha but also eminent persons committed to education.

6. We need a proviso stating that for children who need rehabilitation / mainstreaming into different types of schools that is necessary for the process of eradication of child labour. However this process should be for a limited time period of a maximum of 1 year from the notification of this law after which the alternate system should be withdrawn.

ANNEXURE – I

A Critique and a Proposal

Parliament has enacted the Constitution 86th Amendment Act 2002 (earlier tabled as the Constitution 93rd Amendment Bill) which guarantee free and compulsory education for all children 6 to 14 years. The Constitution Amendment is as follows:

- ***The Constitution (Eighty Sixth) Amendment Act, 2002***
  An Act - Further to Amend the Constitution of India.

Be it enacted by Parliament in the fifty – third year of the Republic of India as follows:

1. **Short title and commencement** - (1) This Act may be called the Constitution (Eighty sixth Amendment) Act 2002.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. **Insertion of new article 21 A** - After Article 21 of the Constitution, the following article shall be inserted, namely:

"*21 A. Right to education.*- The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine".

3. **Substitution of new article for article 45.-** For article 45 of the Constitution, the following article shall be substituted, namely : -
"45. *Provision for early childhood care and education to children below the age of six years.*- The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years".

4. **Amendment of article 51A.-** In the Article 51A of the Constitution, after clause (j) the following clause shall be added namely :-
"(k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six to fourteen years".

In September 2003, Government of India proposed to enact a Central Law to give effect to the Constitution Amendment. Accordingly a Draft Bill called the Free and Compulsory Education for Children Bill put into circulation for wider debate. This enabling law must be tested against the tenets of the Constitution Amendment. The rights it offers cannot be lesser than the Constitution Amendment as it will then be seen as a law that takes away the rights enshrined in Article 21 A by the Amendment. This is cannot do in both the substantive rights part of the proposed law nor into procedural aspects. This note attempts a preliminary analysis and critique of this law against the background of the 86th Amendment being now part of the Right to Life – right to life includes the right to livelihood and the rights to live in dignity. To give effect to this bundle of rights the right to education, essentially to give meaning to the right to live in dignity is now made a fundamental right.

I. What does the draft law propose

Definition

One method of analysing the substantive portion of law is to examine its definition. Some key definitions are useful to understand how the government proposes to structure its substantive rights and who it intently to empower.

Sec 2 (a) "approved school" means any school in any specified area within the jurisdiction of a local authority imparting elementary education".

(i) is under the management of the Central Government or State Government or the local authority or under the management of a body controlled by the Central Government or State Government or local authority;
(ii) being under any other management, is recognised by the appropriate Government for the purposes of this Act and receives substantial aid from the Government or local authority;
(iii) any Education Guarantee Centre or alternative schools run under any approved scheme of the Central or State Government.

(c) "attendance authority" means the local authority concerned or any other authority as may be prescribed;

(d) "attendance at an approved school" mean presence for instruction at a school imparting elementary education for such number of days in a year and at such time on each day of attendance, as may be specified by the attendance authority;

(e) "child" means a boy or girl within such age group not being less than six years of age or more than fourteen years of age;

(g) "compulsory education" means and implies an obligation on appropriate Government to take all steps to ensure that every child is enrolled and retained till the prescribed level of education is received by such child in a school imparting the prescribed courses of study and the steps taken in that behalf;

(h) "disability" means disability as defined under sub-section. (I) read with sub-sections (b), (e), (l), (n), (o), (q), (r), (t) and (u) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

(i) "free education" means exemption from the obligation to pay tuition fee or other charges which schools usually collect from pupils in a school. It may extend to provision of free supply of text-books, note-books, other study materials, health care and nutrition where the appropriate Government so declares by rules made under the Act;

(o) "recognised school" means a school recognised by the competent authority or any State Elementary Education Board or State Secondary Education Board, or the Central Board of Secondary Education or All India Council of Secondary Education or National Institute of Open Schooling or any other body or authority notified for public education by the competent authority.

(p) "school" means a centre for imparting education fulfilling such requirements and other conditions as may be notified by the appropriate Government and the requirements so specified would not be less than those specified in Scheduled A of this Act;

(q) "school age" in relation to a child means being not less than six years of age or not more than fourteen years of age.

(r) "special school" means any institution imparting education for children suffering from any disability;

(s) "substantially aided" in relation to a school means a school which meets at least seventy five percent of its annual expenditure through funds received as loan or grant either individually from Central Government or State Government or local authority or collectively from all of them;

Basic Education Authority

Sec. 3 (1) In the local body areas of each State and Union Territory, the appropriate Government shall notify an authority, known as Basic Education Authority, for implementing the provisions of the Act.

Provided that where the State has delegated the functions relating to Elementary Education to the local authority in accordance with the provisions of the Constitution such power shall be exercised by the local authority concerned.

(2) The Basic Education Authority shall three months prior to the beginning of the year submit plans to the general body of the local authority concerned detailing the steps to be taken in the year and the strategies to be followed to get all children to school.

Free and Compulsory Education

Sec. 4 (1) Subject to the provisions of this Act education shall be free and compulsory for every child of school age.

(2) The appropriate government shall ensure the availability of the school in accordance with such norms as may be notified by the appropriate Government.

(3) The appropriate Government shall provide the school facilities mentioned in sub-section (2) at the earliest and, in any case, not later than one year after the notification of this Act.

(4) The attendance authority shall ensure free education to a child in a school unless such child is receiving education in a recognised but not substantially aided school mentioned in clause (ii) of section 7.

(5) Nothing in this Act shall entitle a parent to claim reimbursement of any expenses incurred voluntarily in respect of education of a child in a recognised school, which is not substantially aided by the Government.

Compulsory Recognition of Schools

Sec. 4 (A). (1) All centres for imparting education to children in the school going age would have to be recognised.

(2) Any child who has studied in a learning centre which is not recognised, would be deemed to have not received education for the purposes of the Act and would not be eligible for any benefits which would have accrued on getting such an education from a recognised or approved schools.

Explanation : Benefits for this purpose would include admission to higher classes in recognised or approved schools or permission for appearing in examinations conducted by or on behalf of the competent authority or any authority approved by it.

Responsibility of parent to send his or her child to school

Sec. 6 (1) It shall be the duty of the parent or guardian of every child to cause the child to attend an approved school unless there be a reasonable excuse for his or her non-attendance in a school within the meaning of Section 7.

(2) It shall be the duty of the attendance authority to ensure compliance with sub-section (1).

(3) In case of children who are without parents or guardians, the local authority within whose jurisdiction the child ordinarily resides shall be deemed to be guardian for the purpose of the Act.

(4) Every local authority shall form a citizens committee consisting of such number of persons and possessing such qualifications as may be prescribed to monitor the conditions of children in sub-section (3) and ensure their enrolment in schools.

Sec. 19 (1) and (2) deals with courts competent to try offences under this Act. This includes the Panchayat Adalat or the court of a Magistrate. An offence triable

19 (1) The court competent to try offence under section 18 of this shall Act be the following:

(a) The Panchayats Adalat – by whatever name called, in respect of offence within their jurisdiction; (b) Where there are no Panchayat Adalat, by whatever name called, and whenever the offences takes place outsides the jurisdiction of such Panchayats Adalat, the court of a magistrate having jurisdiction over the area

(2) Any offence triable by the Panchayat Adalat shall be tried in the manner provided for the trial of criminal cases by the concerned Panchayat Raj Act, and any offence triable by a magistrate shall be tried in a summary way.

Farming and approving schemes of Education guarantee centre and alternatives schools

Sec. 20 : Outlines the framing and approving of schemes of Education guarantee, centre and alternative schools.

II. A Critique and a Proposal

7. Too much of school education has become privatised: increasingly the state is abrogating its responsibilities to fulfill its constitutional obligations and has consistently decreased budgetary allocations every year for education.

8. The first principle of the enabling law is that it cannot provide for rights lesser than what the Constitutional 86th Amendment has provided. Article 21 A is categorical that all children 6-14 years have the right to education. The 86th Amendment makes no distinction between Government, aided, substantially aided, recognized non-formal, etc. Hence we must redraft a law that is guaranteeing formal–free, quality, compulsory education in any school. The poorest child–all of them have a right to be admitted, be provided free, quality education and retained in the richest school. The Amendment does not reduce this right to a quota system of 20% for not substantially aided schools. Hence this law must give up quotarisation of education based on class, caste and language. By implication to make this Constitutional right or the right in Unnikrishnan Judgement realisable– every child also has the right to be taught in the language of their communication / mother tongue.

9. If we accept this argument as central then free must include quality and standards of free as laid down in the Draft Bill are inadequate. This implies that besides defining the economic parameters of free we need to include the essentials of quality – equitable education as a definition of free.

10. Since the Constitution 86th Amendments is a right of all children, the Approved Schools definition should not resist this right. The definition is restrictive and discriminatory. It does not promote equitable and quality education, which is the guarantee ensured by the Constitution Amendments. It leaves out of its purview recognised schools not substantially aided and includes education guarantee centre or alternative schools. All children have the right to quality, free and compulsory education in any school as per the 86th Amendment. Unless the definition of approved schools to include all schools is recognised this law is not acceptable.

11. Secondly there are too many authorities. The Local Authority entrusted with powers of management and finances and control over personnel is sufficient as a single authority. At best there can be a Local Education Committees / Authority comprised of elected members of the local government, village education committee to represent the gram sabha but also eminent persons committed to education.

12. We need a proviso stating that for children who need rehabilitation / mainstreaming into different types of schools that is necessary for the process of eradication of child labour. However this process should be for a limited time period of a minimum of 1 year from the notification of this law.

13. Nowhere is it categorically ensured that all children have a right to education upto Std. VIII. Elementary education like under **the Free and Compulsory Education Bill, 2004** can be reduced to Std V., meaning that it is sufficient for 14 years old to be in Std V even if the child is 14 years of age.

14. The definition of free education must encompass the meaning of equitable and quality education. Free must guarantee access to any approved / recognised school with quality education provided to the poorest of the poor children in the school of their neighbourhood, in their language and free of all charges.

School education to be compulsory and free must also be equitable and qualitative. The minimum standards to achieve this are outlined below:

The government shall provide such number of elementary schools and high schools in the state with trained permanent teachers in the ratio of 1:20.

Every child shall have the right to quality standards in his / her school of learning to guarantee a joyful and attractive learning environment and includes:

- A room or a distinct space for each grade or group of 30 -40 children shall be provided.
- A trained teacher, per grade, should be available to the children for 220 prescribed instructional days.

- Exemption of tuition fees / provision for other basic rights such as free noon meal, text books, note books, slates, medical assistance, uniforms and transport shall be provided by the State in every school–government and private.

- The child 's own language should be the medium of instruction upto Std VIII

- School syllabus shall inculcate social justice and human rights values

- The Yashpal Committee Recommendations should be the basis for reducing the physical and mental burden for students.

- The Teacher – student ratio should be maintained at 1:20

- Creation of special opportunities and facilities for children with disabilities, children living and working on the streets, migrant children, child labourers who have dropped out, children displaced by riots, mega development projects, floods, droughts, etc.

- Facilities with adequate safe drinking water, toilet facilities with running water and electricity with adequate electricity with adequate lights and fans and buildings that provides protection during rains and summer heat.

- Every school shall provide adequate place for recreation and play, especially primary and elementary schools.

- A usable blackboard, chart, chalks, teaching aids in each classroom including availability use for electronic media aids (T.V, slide projector, over head projector).

- A child friendly, participatory and contextually relevant curriculum - based on reduction on the principle of reducing the burden of learning.

- Protection against all forms of torture, sexual abuse, degrading and inhuman treatment, including abusive language is prohibited in all schools henceforth.

- A participatory evaluation and learning process rather than the exam system based on rote memorising and a record of ensuring that all children have attained minimum levels of learning.

15. The law needs to place the onus of responsibility for accountability of ensuring education for all children 6-14 years on the appropriate government – Educational Department officials and not on parents and teachers. The obligation must be placed also on the concerned school authorities (and not on teachers) for ensuring that all children in its vicinity of the school are in school–enrolled, provided equitable–quality education and retained in the school as much as possible.

16. With regard to Children with Disabilities Section 10 (1) (a) ensures that every child with disabilities has access to free education. However Sec.10

(1) (b) speaks only of endeavouring to promote integration of children with disabilities in normal schools.

Unfortunately Section 10 (3) to (5) denies this same commitment by being given powers to set up special schools in government and private sector for those in need of special education (and who cannot be integrated in normal school).

17. On the matter of Attendance Order: Section 11 (1) to (6) needs to be omitted as it is too narrowly based or attendance fulfillment as a record for attendance and built around, parents / guardians obligation to ensure attendance. Right to free (quality) compulsory, education is much more than attendance registers and parental enquiries.

18. Under Employment or engagement of a child it should be simply stated that no person shall employ or engage a child in any employment–below 14 years of age.

13. In the definitions 2(a) approved schools is defined as "approved school" means any school in any specified area within the jurisdiction of a local authority imparting elementary education. However elementary education as Standard VIII is no where defined and must be stated and defined.

Sec.14 is crucial as it narrows down the constitutional right of all children to elementary education. It places and obligation on the attendance authority to direct recognised but not substantially aided schools to give admission without any fees or any other charges to children below poverty line upto an upper limit of 20% of the total strength of the school. These chosen are to be chosen by the local authority from families identified as being below the poverty line under the Public Distribution Scheme. We are now dependent on the Public Distribution scheme for who is below the poverty line and that also only for 20% of the total strength of the school. These schools are the self-financing schools and the state once again gives them the freedom not to admit children who requires to attend a school. This is a classic section that reduces the Constitutional 86th Amendment and the Supreme Court case in Unnikrishnan's Case to nothing.

III. What we are proposing

- The Draft Bill on Free and Compulsory Education for Children Bill 2003 is unacceptable in its present form as it sets a rights regime far below the rights guaranteed in the Constitution and International Law. We detail below some essential changes that are necessary even to proceed on with a dialogue with Government of India on this Draft Bill.

- Education is central to eradication of child labour. But this requires that the right to free, compulsory, equitable, quality education is guaranteed for all children upto Std. XII. However in the context of this limited commitment by the Government of India the following proposal are put forward for consideration.

- Contrary to the National Policies on education and also contrary to the letter and spirit of the Constitution, the government itself is opening different types of schools for people on the grounds of different economic status – high fee paying functioning schools for the well-offs, mal-functioning government schools for the marginalised sections, and even worse, untrained teachers for the very poor. Every parent wishes that their children should get the best education. What exists in the school system – separating students according to social class–is nothing but apartheid in education and that must be halted. Countries all over the world have provided Common Schools as a means towards progress, equality and equitable opportunity. India cannot refuse to do so either (T.N. FORCES).

1. The definition of approved school must be radically altered to be in consonance with the Constitution 86th Amendment. The present definition of approved school in Sec. 2(a) is excluding and discriminatory. The redefined version should read as :

   Approved School as: means "any school in any specified area within the jurisdiction of a local authority imparting elementary education" is under

   (i). is under the management of the Central Government or State Government or the local authority or under the management of a body controlled by the Central Government or State Government or local authority;

   (ii). being under any other management is recognised by the appropriate Government.

   This means all recognised private schools, aided or unaided have a duty to guarantee the right to free and quality, equitable education for all children 6 to 14 years and a minimum eight years of school education.

2. By implication this law should cast a duty on the educational authorities of the appropriate government to ensure formal school education and not condense the right to include education guarantee centres or alternative schools or any approved scheme of the Central Government or State Government.

3. A separate proviso to ensure for a period of a maximum of 12 months the continuation of such programmes to mainstream children back to schools. After which all other forms of schooling – non-formal education, alternative schools, education guarantee centres, etc. should be disbanded to ensure the right to education for all children in approved schools.

4. Right to education has been essentially reduced to attendance. For this the local authority or any other authority as prescribed will be responsible. Attendance is reduced to presence for instruction. There should be only one authority and that should be local government (Authority) responsible for school education. This will be possible and realisable unless there is a total entrustment / devolution of 29 powers listed in the Constitution 73rd and 74th Amendment to the Local Government. Together with devolution of powers there needs to be devolution of financial resources and personnel who will be in the first instance accountable to the Local-

government. Specifically if this Bill is to become a reality, Local Authority (Government) needs to be entrusted with powers of management and control. Under the Local Authority a sub-committee needs to be formed – Local Education Authority – made up of elected leaders of the local government but also other citizens concerned with education.

5. No where in the proposed Bill is it categorically stated that elementary education means upto Std. VIII or higher as the case may be. Merely defining child as a boy or girl within such age group not being less than 6 years or more than 14 years is insufficient. This is because under **The Free and Compulsory Education Bill, 2004** a child of school going age is defined as 6 years to 14 years but the child could be in Std V. This is unacceptable and the government of India must commit with financial resources for providing at least education for all children (irrespective of caste / class, language) upto Std. VIII. Further the appropriate government if it so desires may extend free and compulsory education beyond 14 years and provide for early childhood care, joyful learning and development.

6. There can be no reasonable excuse for non-attendance. It is the duty of the State and the neighbourhood school to ensure education Sec. 7 of the Act stands deleted.

7. Responsibility for providing schooling must be on the state (appropriate government) and the approved / recognised school. This duty cannot be cast on parents or teachers to guarantee education. Teachers will have specific duties to impart education and support the all-round development of the child entrusted to his / her care. Hence, Sec. 6 should be deleted and Sec.8 redrafted.

8. Sec 10 regarding children with disabilities must be changed to guarantee that all children with disabilities have access to free, equitable – quality education in approved / recognised schools. These schools should guarantee special education, specially trained teachers and necessary infrastructure for all children who have a specific disability, which prevents them from participating freely in the school learning process. The state does not require to provide special schools different from the approved / recognised schools.

9. Sec 14 of the Draft Bill needs to be omitted in total in the context of an amendment to the definition of an approved school under Sec.2. Sec.14 legalises for private unaided schools not to provide education on demand for the poor which the Constitution 86th Amendment (now 21 A) has illegalised.

10. Sec.11 on attendance order has to be redrafted thoroughly or omitted.

11. Sec. 15 is crucial as it attempts to compute the age of the child. The age of the child can be determined by a birth certificate or in its absence, a declaration by the parents / guardian. All the other sub-sections need to be deleted.

12. Sec. 17 is constructed on Sec. 11. We hold that Sec.11 has to be redrafted. Hence Sec. 17 can be omitted.

13. Under penalty for employers for contravention of Sec. 12 the penalty cannot be less than what is prescribed in the Child Labour (Prohibition and Regulation) Act and the Supreme Court Judgement in M.C. Mehta Vs State of Tamil Nadu. Read together the minimum penalty is 40,000 rupees for employment of a child below 14 years. Hence the fine of Rs.500/- proposed is in contempt of the Supreme Court directions in this matter. Secondly under the CLPRA any person can initiate legal action against employers. Whereas under the proposed law it has to be only on a complaint by the competent authority / attendance authority or any other person authorised in his behalf by the local authority.

14. Sec. 20 needs to be deleted.

15. Schedule A in the context of the above arguments needs to be redrafted based on free, compulsory, equitable and quality education.

TN-FORCES Draft Law for Submission to the Government of India on THE FREE AND COMPULSORY EDUCATION BILL, 2004.

Preamble

An Act to substitute the Free and Compulsory Education Bill, 2004 and to guarantee free, quality, equitable school education for all children upto 18 years and ensure early childhood care, services and joyful learning 0-6 years for all children.

WHEREAS the Constitution 86th Amendment Article 21 A guarantees free and compulsory education for all children 6 to 14 years.

And WHEREAS the Supreme Court has ruled in J.P. Unnikrishnan vs State of Andhra Pradesh that education is a fundamental right for all children upto fourteen years of age and India has ratified the UNCRC which defines a child as 18 years of age.

WHEREAS under the Constitution Amendment Article 45 of the Directive Principles has been amended to provide for early childhood care and development.

And WHEREAS a policy decision has been taken by the Union Government to provide free, quality, equitable school education for all children upto 18 years and early childhood care, services and joyful learning for all children 0-6 years.

And WHEREAS to give effect to that policy decision it is necessary to make school education free and compulsory for all children upto 18 years and compulsory early childhood care, services and joyful learning.

And WHEREAS it is also necessary to make it obligatory on the part of Department of Social Welfare, Directorate of Social Welfare, Department of School Education, Directorate of Elementary Education, Directorate of School Education, Directorate of Matriculation Schools and all its staff to ensure that all children 0-18 years are guaranteed the stated rights in this Act including early childhood care, learning and development services.

And WHEREAS the UNCRC defines a child as any person upto 18 years of age.

In the 56th year of this Republic that the Free and Compulsory Education Bill, 2004 is as follows:

1. Short title, - extent and commencement

(1) This act may be called The Free and Compulsory Education Act, 2004.

(2) It extends to the whole of the country except Jammu and Kashmir.

(3) It shall come into force within 30 days of the Presidents assent by notification in the Official Gazette.

2. Definitions

In this Act, the following meanings are applicable:-

(1) **'academic year'** means a period notified as such by the appropriate government.

(2) **"appropriate government"** means

(i) the state Government in the case of territory comprised in a State
(ii) the Government of a Union Territory, in the case of a Union Territory having its own legislature and
(iii) the Central Government, in the case of other Union Territories.

(3) **"attendance** at a primary, middle, secondary and higher secondary school

means presence for instruction at a primary, middle, secondary and higher secondary school or equivalent for such number of days, and on such days in a year, and at such time on each day of attendance, as may be prescribed;

(4) **Approved School (delete) Recognised school** means "any **recognised** school in any specified area within the jurisdiction of a local authority imparting primary / elementary / secondary and higher secondary education **or equivalent**"

(i). is under the management of the Central Government or State Government or the local authority or under the management of a body controlled by the Central Government or State Government or local authority;

(ii). being under any other management is recognised by the appropriate Government.

(5) **"competent authority"** means the competent authority appointed by the Government under Section **13**

(6) Child means every human **person** being **(delete) upto below (delete)** the age of 18 years.

(7) **Compulsory Education** means twelve years of formal school learning and instruction to children in such a manner that the educational status and progress of every child is compulsorily and constantly monitored, and all necessary steps taken to ensure **quality education and** that every child enrolled in a recognised school attends it at least with such minimum regularity as may be prescribed. for completion of XII Std education **or upto 18 Yrs.**

(8) **Caste Discrimination** means those offence of atrocities listed under Section 3 (1), Section 3 (2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act). **and any other relevant act.**

(9) **Disability** shall have the meaning assigned to it in clause (I) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995.

(10) **Early Childhood care, learning and development services (delete) Early childhood care and development (ECCD) means** nurturing the child from birth through **six years** free, qualitative, public institutional care which includes the right to facilities for joyful learning, nutrition, food security, health care and development services.

(11) **Equitable Education** means education that is non-discriminatory on the basis of class, caste, gender, disability language & ethnicity.

(12) **Free Education** means a right to free **and quality** education **as mentioned in 5(3)** from pre-primary till Std XII **Or equivalent** in all schools. **and includes the right to all Government Welfare Schemes. (delete)**

(13) **"Guardian"** means any person to whom the care, nurture or custody of any child falls by law or by natural right or by recognised usage, or who has accepted or assumed the care, are or custody of any child or to whom the

care, nurture or custody of any child has been entrusted by any lawful authority;

(14) "**Local areas**" means:

(i) in case of urban areas, a municipal area, and

(ii) in case of rural areas :

(A) in States having panchayats at the intermediate level, the territorial area of a Panchayat of such level, and

(B) in other States, such territorial unit as the appropriate government may, by notification, specify as the 'Local area', for purposes of this Act;

(15) "**Local authority**" means a Panchayat or a Municipality and such other authorities as the appropriate government may, by notification, specify;

(16) **"Monitoring Authorities"** means all elected local government bodies and such other authorities appointed by the Government.

(17) **"parent"** means the father or mother of a child and includes an adopted father or mother;

(18) **Qualitative Education** means the minimum standards as per Sec. 5 (3).

(19) **"School age"** in relation to a child means 18 years of age or completion of Std XII exams.

(20) **"School Education"** means education upto Std XII or **equivalent**

(21) **Torture, Degrading and Inhuman Treatment** means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

This article is without prejudice to any international instrument or national legislation, which does or may contain provisions of wider application.
(include homes for children) Attn. Ossie

3. Duty of appropriate government to provide free and compulsory education.

(1) The appropriate Government shall, through the Authorities and mechanisms provided in Chapter III and otherwise, provide free and compulsory education to all children in all recognised schools in the manner hereinafter provided. All schools without recognition should be closed herewith.

(2) While taking measures in pursuance of sub-section (1), the appropriate government and all authorities mentioned in Chapter III of this Act shall

pay special attention to the needs of children belonging to disadvantaged groups, like:

a) girls,
b) scheduled castes, scheduled tribes and other backward classes **MBCs DNT.**
c) families below the poverty line,
d) families affected by migration, calamities, etc.
e) inhabitants of urban slums and rural areas, especially remote rural areas
f) first generation learners
g) children with special needs
h) children in need of care and protection and
i) juveniles in conflict with law.

Explanation: - "Disadvantaged group" implies a group suffering from any disadvantage – physical, locational, social, economic or otherwise – which adversely affects the participation of children belonging to it. **in elementary education.(delete)**

(3) While taking measures in pursuance of sub-section (1), the appropriate government shall take all necessary steps to ensure co-ordination, convergence and synergy among all programmes having a bearing on free and compulsory education, especially programmes relating to **early childhood care and education, (delete)** adult literacy, welfare and development of women, children, and disadvantaged groups and rural and urban poverty alleviation and shall, from time to time, notify appropriate rules and guidelines towards that end.

4. Duty of appropriate government to establish facilities for free and compulsory education.

(1) The appropriate government shall take steps to ensure that, within a period not exceeding one year from the commencement of this Act, an approved school imparting education upto Class **VIII (delete) XII or equivalent** becomes available within such distance from every habitation as may be prescribed.

5. School education to be compulsory, free, equitable and qualitative

(1) Subject to the provisions of this Act, school education shall be free, compulsory, equitable and qualitative for every child upto 18 years of age.

(2) For giving effect to the provisions of sub-section (1) the government shall provide such number of elementary schools, high schools and higher secondary schools in the state with trained permanent teachers in the ratio of 1:20 **ensuring one teacher per class.**

(3) Every child shall have the right to quality standards in his / her school of learning to guarantee a joyful and attractive learning environment and includes:

- A room or a distinct space for each section of a class children shall be provided.

- A trained teacher, per grade, should be available to the children for 220 prescribed instructional days.

- Exemption of tuition fees / provision for other basic rights such as free noon meal, text books, note books, slates, medical assistance, uniforms and transport shall be provided by the State in every school–government and private.

- The child 's **own language (delete) mother tongue or the** Regional **language** should be the medium of instruction. **upto Std VIII (delete)**

- For equal education to all the children **core curriculum uniform syllabus (delete)** should be **followed (delete) adopted and there shall be under (delete)** a single board of examination **in every state** for all the schools.

- School syllabus shall inculcate social justice, **democracy, secularism, scientific temper** and human rights values

- The Yashpal Committee Recommendations should be the basis for reducing the physical and mental burden for students.

- The Teacher – student ratio should be maintained at 1:20 **ensuring one teacher per class**

- Creation of special opportunities and facilities for children with disabilities, children living and working on the streets, migrant children, child labourers who have dropped out, children displaced by riots, mega development projects, floods, droughts, etc.

- Facilities with adequate safe drinking water, toilet facilities with running water **and separate toilet facilities for girls** and electricity with adequate electricity with adequate lights and fans and buildings that provides protection during rains and summer heat.

- Every school shall provide adequate place for recreation and play, especially primary and elementary schools.

- A usable blackboard, chair and table for comfortable seating and writing chart, chalks, teaching aids in each classroom including availability use for electronic media aids (T.V, slide projector, over head projector), **laboratory and library facilities.**

- A child friendly (child centric), participatory and contextually relevant curriculum - based on reduction on the principle of **joyful learning** reducing the burden of learning.(delete)

- Protection against all forms of torture, sexual abuse, degrading and inhuman treatment, including abusive language is prohibited in all schools henceforth.

health care to be included (for attention of Ossie)

- A participatory evaluation and learning process through practical class with sufficient learning tools rather than the exam system based on rote memorising and a record of ensuring that all children have attained minimum levels of learning. **Council of children to be involved in the process of evaluation.**

- Evaluation of students can be based on various skills related to the subjects rather than tough filtration having a standard written examination.

6. Child's Right to Admission in a proximate approved school (neighbourhood schools)

No child shall be denied admission in **any recognized approved(delete)** school of his/her choice located in such vicinity of her place of residence as may be prescribed;

7. Prohibition of causing obstruction to employing children

No person shall prevent a child from attending an approved school.

no person shall employ or engage a child in a manner, which prevents the child from attending a recognized **upto eighteen years of age**. Std. XII or eighteen years of age.(delete)

8. Responsibilities of Parents

It shall be the **responsibility** of every parent or guardian of a child upto 18 years of school age to motivate the child to attend school.

Exemption:

if such child is prevented from attending a approved school by reason of sickness or infirmity.

9. Duties of Officials of the Department of Education

(1). It shall be the duty of every District Education Officer, Panchayat President, Union Chairperson, Councillors in Municipalities / Municipal Corporations to ensure that all children are enrolled and complete XII standard schooling.

(2). It shall also be the duty of every District Education Officer, Panchayat President, Union Chairperson, Councillors in Municipalities / Municipal Corporations to ensure that all children who dropout are placed back in school wherever they are residing.

Duties of official and local bodies to be separated -
Exemption:
if such child is prevented from attending an elementary school by reason of sickness or infirmity;

10. The Right to Free Education and Early Childhood Care and Development

(1) All children 0-6 years have a right to early childhood care, learning and development services and the State shall finance the same.

11. Prohibition of Tuition and Collection of Donations

(1) The State shall finance all school education Institutions for all children upto 18 years.

(2) Collection of tuition fees, special fees, admission fees, building fees, etc. by any school or Pre-Primary (Kindergarten) Early Care and Learning Institution stands prohibited from the date of commencement of the Act.

(3) Collection of any form of donation in any school or Pre-Primary (Kindergarten) Early Care and Learning Institutions in any school by school authorities including by Parents Teachers Association stands prohibited from the date of commencement of this Act.

(4) No teacher shall take tuition's or collect tuition fee from any child either in the school, in a household or in a tutorial.

12. All forms of Torture, Degrading and Inhuman Treatment including discrimination by caste, ethnicity, religion, language and gender are prohibited.

(1) No Principal, Correspondent, Headmaster, Teacher, Inspectors of Schools or Non-teaching staff shall inflict any form of torture, degrading and inhuman treatment including discrimination by caste ethnicity, religion and gender, **disability and calling names** is prohibited in any school, pre-primary, early childhood care and learning institution on any child.

(2) All forms of ridicule and discrimination based on caste, language ethnicity, religion and gender in any school pre-primary, early childhood care and learning institution is prohibited.

(3) Every student has a right to a Transfer Certificate whenever required and requested.

(4) Issuance of Transfer Certificate as disciplinary action or lack of proficiency in studies is prohibited in all classes specifically in classes IX, X, XI and XII.

13. Competent Authority

(1) The Government shall, by notification, appoint any officer of the Education department, not below the rank of District Educational Officer, to be the competent authority for the purpose of carrying into effect the provisions of this Act and the rules made there under and different competent authorities may be appointed for different areas.

(2) The competent authority shall exercise such powers and perform such other functions as may be prescribed including:

1. ensuring for all children upto 6 years of age free, quality, early childhood care, learning and development of schools.
2. ensuring the enforcement of free, compulsory, quality and equitable education in all schools upto Std XII.
3. submitting of monthly reports of progress to local government authorities.
4. ensuring adequate pre-primary and school infrastructure facilities and basic civic services in all schools.
5. monitoring the prohibition of all forms of torture, sexual abuse and degrading treatment of all children 0-18 years.

14. Monitoring Authorities

(1) Government shall by notification designate as monitoring authorities of schools the following :

Panchayat President,
Union Panchayat Chairperson,
Town Panchayat President,
Municipal Chairpersons and Councillors
and such others have may be prescribed for the purpose of carrying into effect the provisions of this Act and the rules made thereunder.

(2) The Monitoring Authorities shall exercise such powers and perform such other functions as may be prescribed including:

1. supervision and management of all pre-primary, primary, middle schools, secondary and higher secondary schools.
2. the enrollment, retention and quality of learning in pre-primary and school education.
3. monitoring the daily functioning of teachers, appointments, attendance and transfers.
4. monitoring and filing complaints against any employer employing children below 18 years.
5. monitoring and filing complaints for any case of torture, sexual abuse and degrading treatment of children 0-18 years.

15. Penalty

(1) Every competent authority fails to discharge his duty under Sec. ---- shall be punishable with fine with imprisonment for one year or of fine which will be a minimum of Rs.10,000/- and which may extend to Rs.20,000/- (fine amount to be enhanced)

Penalty to be added relating to section 11 and 12
Transfers not to be used as punishment
Appropriate legal action to be taken in cases of sexual harassment

16. Cognizance of offences

(1) Any court shall take cognizance of an offence punishable under this Act on a complaint made in writing by any person, social organisation, competent authority, monitoring authorities and such other officers of government as the government may designate.

17. Competent authority, etc. to be public servants (Central Act XLV of 1860)

(1) The competent authority and the monitoring authorities appointed under section 6 and the officer authorised under section 8 shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

18. Power of Government to give directions

(1) The Government may, in the public interest, by order, direct the competent authority and monitoring authorities to make an enquiry or to take appropriate proceedings under this Act in any case specified in the order, and the competent authority and monitoring authorities shall report to the Government the result of the enquiry made or the proceedings taken by him within such period as may be prescribed.

20. Power to make rules

(1) The Government may make rules to carryout all or any of the purposes of this Act.

(2) Every rule or order made under this Act shall, as soon as possible, after it is made, be placed on the Table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or order, or the Assembly decides that the rule or order should not be made, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification, or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

21. Power to remove difficulties

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion requires by order published in the Central Government Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulty.

(2) Provided that no order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Separate section on safety and protection of the child girl children
Duties and responsibilities of teachers

General - **Approved school to read as recognized schools**

Draft education bill put under microscope

By Dhanya Parthasarathy

CHENNAI, AUG. 18. Why should education for different groups of children be of different quality was the overarching question that emerged at a meeting of a team of educationists, research scholars and social workers keen on ensuring that every girl and boy in the country went to school, and would not stay away because of any loophole in the law.

Around 20 experts met at Loyola College on Wednesday to examine under a microscope the draft of the Free and Compulsory Education Bill 2004 put forth by the Union Government.

"The transit school system is not on," said Professor K. Shanmugavelayutham of the Forum for Creche and Childcare Services in Tamil Nadu, the organiser of the programme. "Where is equality if transit schools continue to exist?" he said quoting Chapter IV Section 27 of the Bill.

The clauses in the Bill that gnawed at the people conducting the half-day dissection included the fact that the draft legislation permitted child labour up to a certain level (Section 7 in clause 2).

Educationist S.S. Rajagopal called for one school for all children of a neighbourhood. "There should be total decentralisation at the district level," he added. Nowhere in the Bill does the State explicitly take responsibility for providing schools all over the country, said Virgil D'Sami, convenor of the Tamil Nadu Alliance for Right to Education and Equity.

Members lauded the features such as the removal of over-emphasis on attendance in this Bill.

But the misses were aplenty as they pointed out — orphans were not included, disabled children could be exempted from schools (only severely disabled children should be exempted, said the participants). While the Bill said textbooks would be provided it made no mention of compulsory provision of notebooks or writing stationery, labs, libraries or blackboards in schools.

The Bill mandated free education for all children up to 14 years, and some research scholars demanded that the ceiling age should be raised to 18.

It was announced that the memorandum of their suggestions would be submitted to the ministry of human resources and development at the earliest.

Document submitted by:
Public Study Group on CABE Committees:

- Submission on Inclusive Education

Public Study Group on CABE Committees

8 December 2004

Submission

On

INCLUSIVE EDUCATION

1. Basic Principles that guide the Public Study Group (PSG) in organizing its inputs on Inclusive Education.

First, India aspires to join the category of 'developed nations' within the next ten to twenty years. Hence, the access as well as the quality of its school education system has to match that of the developed nations in the near future. Accordingly, it has to urgently phase out the multi-track education system at least up to the High School stage, replace multi-grade teaching with one teacher for each class and reduce the class size. The PSG would argue for a class size of 20 to be achieved for all children within the next ten years. It would require almost a two-fold increase in the number of schools and/or classrooms and preparation of lakhs of additional trained teachers on a priority basis.

Second, the entire school education system needs to be transformed with a view to making it a genuinely inclusive system. This would include reconstruction of the curriculum, pedagogy, student-teacher relationship and classroom ambience. It would also require that the 'world of work' is integrated with the 'world of knowledge' in order to make education relevant to the sources of livelihoods for all children.

Third, the government is committed to spend at least 6% of the GDP on education, half of which will be on elementary education (the related statement in the Common Minimum Programme is flawed and must be recast). The CMP does not take into account the cumulative gap in resources that has been building up for more than three decades as a result of continued under-investment in education. This would require additional allocations in a phased manner. The Tapas Majumudar Committee report has suggested that it should be possible to achieve UEE through formal school system, without resorting to the multi-track approach for the deprived sections of society. The PSG is convinced that adequate resources can be mobilised by re-prioritising the Indian economy and re-orienting the education policy. This can be achieved without taking recourse to any form of external aid.

Fourth, the government in its CMP has placed equal educational opportunity at the core of its educational policy. India is a signatory to UNESCO's Salamanca Statement issued by the 'World Conference on Special Needs Education: Access and Quality' held in Spain (Salamanca) in 1994. The Statement declared that "*regular schools with (this) inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; moreover, they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system.*" The policy, therefore, should be re-designed on the principle of equality and social justice and must ensure inclusion of *all* children in regular schools, including those with disabilities and special needs by making systemic reforms in the (formal) school system.

Fifth, the formal school system can be designed to respond to the varying needs of children from diverse socio-economic, cultural and linguistic backgrounds (including those with physical and mental disabilities) in order to ensure inclusive education for all.

2. Policy documents relating to the education of children with disabilities.

Relevant excerpts from the policy and reports are reproduced below with brief comments.

CABE Report, 1944 (Annex. I)

- Education for children with disabilities should form "an essential part of a national system of education and should be administered by the Education Department."
- "Wherever possible, handicapped children should not be segregated from normal children."
- 10 percent of the total budget on basic and secondary education should be set aside for educating children with disabilities.

Note: The education of children with disabilities (treated as special education) continues to remain outside the HRD Ministry. Under the 'rules of executive business' of the government, the subject is under the Ministry of Social Justice, despite representations made against it. A UNESCO report suggests that 95% countries in the world have transferred special education to the respective education departments or ministries.

The allocation of resources for education of children with disabilities is meager. The Ministry of HRD thinks it is the responsibility of the Ministry of Social Justice and the latter allocates meager amounts to NGOs to run their special schools. The Ministry of HRD gives money through a scheme called IEDC which is not even designed to bring about any systemic reforms in the school system for including children with disabilities (expectedly, the performance of IEDC has been dismal). Under the SSA/DPEP, the Ministry gives money for the education of only the 'certified' disabled, a non-educational approach, to say the least.

Education Commission (1964-66) (Annex II)

"The primary task of education for a handicapped child is to prepare him for adjustment to a socio-cultural environment designed to meet the needs of the normal. *It is essential, therefore, that the education of handicapped should be an inseparable part of the general education system.* The differences lie in the methods employed to teach the child and the means the child uses to acquire information. These differences in methodology do not influence the content or the goals of education. This form of education is, therefore, conveniently referred to as 'special education'. [emphasis added]" (Section 6.43)

"In the special programmes which alone have been developed so far in our country, the handicapped children are isolated from the normal ones and placed in special institutions. In the educationally advanced countries, however, a great deal of stress is now being laid on the integration of handicapped children into the regular school programmes. . . . . we feel that experimentation with the integrated programmes is urgently required and every attempt should be made to bring in as many children into integrated programs as possible." (Section 6.47)

NPE-1968 (Annex. III)

The NPE-1968 was committed to the expansion of educational facilities for children with disabilities by developing "integrated programmes enabling them [the handicapped children] to study in regular schools".

Note: A scheme called IEDC (Integrated Education of Disabled Children) was launched by the then Ministry of Social Welfare eight years later in 1974. The scheme was transferred to the Ministry of HRD in 1992. The scheme is still continuing with minor changes, on the false assumption that education of the 'disabled' needs to be viewed as a 'project' or 'scheme', rather than as an *organic responsibility of the education/school system.* This scheme-based approach also negates the possibility of looking at the issue of the education of the disabled as an opportunity for undertaking systemic reforms in the formal education system. The comments of the review committee on the IEDC can be seen later in this paper.

NPE-1986/92 (Annex IV)

- "Wherever it is feasible, the education of children with motor handicaps and other mild handicaps will be common with that of others."
- "Special schools with hostels will be provided, as far as possible at district headquarters, for the severely handicapped children."
- "Teachers' training programmes will be reoriented, in particular for teachers of primary classes, to deal with special difficulties of the handicapped children."
- Voluntary efforts to be encouraged.

POA-1986 makes the following observation:

"As soon as the disabled children enrolled in special schools acquire the communication skills and study skills, they will be integrated into common schools. It is further assumed that with the improved efficiency of the common school system . . . . ., the capacity of the common schools to cater to the needs of the disabled children will also improve. . . . . large number of children do enter the common school system but drop out because of lack of sensitivity in the system to their needs." (POA-1986, Chapter XV, Sections 7 & 8)

Significantly, POA-1992 fails to acknowledge this linkage between the 'efficiency of the common school system' and its capacity to retain the disabled children.

NPE Review Committee, 1990 (Annex V)

The following concerns regarding the policy relating to the education of the disabled were articulated:

- The education of the disabled is viewed as a 'social welfare' activity.
- Child to child help leading to sensitization of the future generation, child to parent help for community sensitization and pedagogic reinforcement were missed out.
- Most of the special centres for the handicapped children were located in urban centres.
- The IEDC scheme was being implemented in terms of running 'Mini Special Schools' within general schools.
- NPE-1986 has not stressed the mobilization of the total general education system for the education of the handicapped.
- Special schools have been treated in isolation from other educational institutions from the point of view of providing the educational supervisory infrastructure.

Note: The committee stressed the need of "breaking the insulation between the general and special schools" and mobilizing the total education system for the education of the disabled, rather than running IEDC as 'mini special schools' within the general schools.

Persons with Disabilities Act, 1995 (Annex VI)

- Free education in an appropriate environment till age of eighteen years.
- Endeavor to promote the integration of students with disabilities in the normal schools.
- Promote setting up of special schools in the government and *private sector.*
- Only medically certified disabilities up to 40% to be treated as a 'person with disability'.

Note: The PWD Act is seriously flawed on three counts. First, it promotes special schools under private sector, which is neither in consonance with the national policy nor with the Supreme Court's Unnikrishnan Judgment (1993) and the 86th Constitutional Amendment, whereby education should not be turned into a commercial activity but be seen as a Fundamental Right of the child. Second, it does not strictly apply to private schools, but does not prevent private schools from opening a market of 'special needs' and 'learning disability' in a big way. Many private schools have started 'learning centres' to segregate children by labeling them as 'slow learners' and 'learning disabled' and started charging higher fees from of them. This is turning out to be a big business, often amounting to a racket. Third, defining 'person with disability' as one certified to be with 40% disability is rather non-educational. It should hardly matter if disability is 40 % or 39% (or even 1%), since all children up to the age of 14 years have to be given free and compulsory education, and all additional or special facilities have to be provided. However, this arbitrary stipulation is becoming a great impediment, particularly in government schools for accessing schemes such as IEDC. A definition of 'disability' makes little educational sense as we have to offer educational opportunity to *all,* and *all* should enjoy it equally!

Sarva Shiksha Abhiyan, 2002 (Annex. VII)

SSA's approach is described below:

"The thrust of SSA will be on providing integrated and inclusive education to all children with special needs in general schools. It will also support a wide range of approaches, options and strategies . . . . This includes education through open learning system and open schools, non-formal and alternative schooling, distance education and learning, special schools, wherever necessary, home-based education, itinerant teacher model, remedial teaching, part-time classes, community-based rehabilitations (CBR) and vocational education and co-operative programmes." (Section 5.2)

Note: While using the rhetoric of 'integrated and inclusive education', SSA fails to emphasise the need to undertake systemic reforms for making the entire school system inclusive. Indeed, it negates inclusion by promoting parallel streams in education for the children with disabilities. It is bound to collapse just as has been the case with IEDC since 1974.

3. UN resolutions and declarations in regard to education for children with disabilities

- *UN World Programme of Action Concerning Disabled Persons (1983)*

Member-States should adopt policies, which recognize the rights of disabled persons to equal educational opportunities with others. The education of the disabled should as far as possible *take place in the general education system* . . . . . (Article 120)

- *UN Convention on the Rights of the Child (1989)*

States parties. . . . . [should] ensure that the disabled child has "effective access to and receives education, training, health care services. . . . . in a manner conducive to the child's fullest possible social integration. . . . ." (Article 23.3)

- *UN Standard Rules (1993):*

They [persons with disabilities] should receive the support they need *within the ordinary structures of education*, health, employment and social services. (Introduction, Article 26).
States should recognize the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings. They should ensure that the education of persons with disabilities is *an integral part of the education system.* [emphasis added]. (Rule 6)

Note: All the UN resolutions are consistent in stressing the need to locate special education (for the disabled) within mainstream education. In other words, they emphasise de-segregation of the education for the disabled, the so called special education or the special educational needs, which is rapidly emerging as a profitable market in India and that too in the name of charity and 'doing good'!

4. UNESCO's Salamanca Statement (Annex VIII)

"We call upon all governments and urge them to:

- give the highest policy and budgetary priority to *improve their education systems* to enable them to *include all children* regardless of individual differences or difficulties,

- adopt as a matter of *law or policy*, the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise . . . ."

- education system should be designed and educational programme be implemented to take into account the wide *diversity* of [unique characteristics, interests, abilities and learning needs] these characteristics and needs,

- those with special educational needs must have *access to regular schools*, which should accommodate them within a *child centered pedagogy* capable of meeting these needs,

- 'Regular schools with this *inclusive orientation* are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving *education for all*

- All children mean 'disabled and gifted children, street and working children, children from remote and nomadic populations, children from linguistic, ethnic and cultural minorities and children from other disadvantaged and marginalized areas or groups'.

Note: India is a signatory to the Salamanca Statement. It is clear that inclusive education is not confined to the education for children with disabilities. Its focus on diversity brings in many other groups of children into regular schools under the principle of all-learn-together. However, in

India, while special educationists have hijacked the term and agenda for the inclusive education, the general educationists are oblivious of it. Secondly, they wan to keep it confined to the disabled, and any reference to the other groups of children is resisted. There is a growing 'vested interests' among the special educators and NGOs. Thirdly, the statement clearly calls for systemic reforms but any discussion on reforms is opposed keeping the focus on schemes and programmes, such as IEDC, again reflecting 'vested interests' on the part of the NGOs. Unfortunately, apex institutions like NIEPA and NCERT have becomes a part to it, and even the ministries are not able to see through! There is a need to think beyond special education and special needs in this country.

5. An Analysis of Policy Development on Special Needs Education[1]

The policy issue regarding education of children with disabilities and special needs do not seem to have been considered under a discourse of rights, equal opportunity and social justice in this country. It seems to have been designed largely keeping in view the charity and volunteerism. Further, it has been considered in isolation treating these children as a separate group.

- ***CABE 1944***

'The first official attempt to analyse the problem [of educating the handicapped]' was made in the CABE report of 1944 (Sargent, 1968, p100)[2]. The report, also known as the John Sargent report, after the British chief educational advisor at that time, asked for making education of these children 'an essential part of a national system of education and [to] be administered by the Education Department' (CABE, 1944)[3]. It further said, '*wherever possible*, handicapped should not be segregated from normal children' (ibid, emphasis added) and 10 percent of the total budget for 'basic' and high schools should be spent on the provisions and services for the education of the 'handicapped'. The special education is yet to be a part of the mainstream education, though a number of UN conventions and declarations including the Salamanca Statement have called for making special education a part of the mainstream education, and as per a survey of the UNESCO ninety five percent of the countries in the world have already removed systemic segregation of the special education (UNESCO, 1995)[4]. Many civil society groups recently petitioned the President and the government of India for removing bureaucratic barriers from making education system inclusive.

- ***Special Needs Education in NPEs***

The 1966 education commission noted that the Indian Constitutional directive on compulsory education under article 45 included handicapped children as well, but its subsequent observations had questionable foundations and were pessimistic (Jha, 2002a)[5]. While observing that not much had not been in this regard, it recorded, 'any great improvement in the situation does not seem to be practicable in the near future'; wanted the country to 'learn from educationally advance countries' (Education Commission, 1966, p.123) though the special education in those countries was under criticism. Further, it felt that many ('handicapped') children might 'find it psychologically disturbing to be placed in an ordinary school' (ibid) against the spirit of integration. It made a target of covering only 10% of the children with disabilities by 1986. Drawing upon the report, the government, under the section 'equalization of educational

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[1] Prepared by Madan M Jha, based on a paper written for the Council for Social Development

[2] Sargent, J. (1968) *Society, School and Progress in India*. Oxford: Pergamon

[3] CABE (1944) *Post War Education Development in India*. New Delhi: Government of India

[4] UNESCO (1995) *Review of Present Situations in Special Needs Education*. Paris: UNESCO

[5] Jha, M. M. (2002a) School Without Walls: Inclusive Education for All. Oxford: Heinemann.

opportunity' of the 1968 policy committed to make attempts 'to *develop integrated programmes* enabling the handicapped children to study in regular schools' (MHRD, 1998[6], emphasis added).

After eight years of the policy announcement, a programme named Integrated Education of Disabled Children (IEDC) was launched by the government in 1974, which was revised in 1992. In the 1986/92 policies, though the 'education for the handicapped' was listed as a part of 'education for equality' in addition to the education for the scheduled castes, scheduled tribes and minorities, the encouragement to 'voluntary effort' and policy of opening special schools (at the district head quarters for 'severe disabilities') continued. It called for 'the education of children with motor handicaps and other mild handicaps' to be common with the others *'wherever it is feasible'* (MHRD, 1998, p.11, emphasis added).

Ramamurthi committee (1990) made a critical review of the 1986 policy observed that education for the 'handicapped' is being regarded as a 'social welfare' activity; 'special schools have been treated in isolation from other educational institutions' and the IEDC scheme is run as 'mini special schools' (MHRD, 1990, p.85). The modified policy in 1992 continued without making any changes. Jangira (1997)[7] finds the policy 'hesitant in full commitment to universalization of elementary education' for them, and it remained 'silent on the department of education assuming full responsibility for education of children with disabilities' (p. 496).

- ***Education In Disabilty Related Acts***

In 1995 the parliament passed the Persons with Disabilities Act giving a full chapter on education for children with disabilities. There does not seem to be any major policy deviation after the Salamanca Statement (1994). It provided for setting up of special schools in the 'government and private sector', which seems inconsistent with the Supreme Court judgment and education policies that do not allow privatization and commercialization of education. It, however, assures that the governments shall, '*endeavor to promote the integration* of students with disabilities in the normal schools' (The Gazette of India, 1996, p.12, emphasis added). As a variant of the NFE, the labour ministry of the government is running 'special schools' for the child labour as one of its projects (GOI, Ministry of Labour, 2004).

The Act defines a 'person with disability' as one 'suffering from not less than forty percent of any disability certified by a medical authority' (ibid). Such criterion for measuring disability in terms of percentages creates utter confusion and problems in education and deprives children of support and services, which they are otherwise entitled to, even if the disability is certified as less than forty percent, since education after all is 'free and compulsory' for all children.

The Act does not define 'learning disability' or 'special needs' or 'learning difficulty' but 'metal retardation' has been defined as 'a condition of arrested or incomplete development of mind of a person which is specially characterized by sub normality of intelligence', and 'mental illness' has been defined as 'any mental disorder other than mental retardation' (ibid, p. 3). The phrases in the definition of mental retardation are similar to the ones used in the British Mental Deficiency Act of 1913 (amended in 1927), which defined 'mental defectiveness' as 'a condition of arrested or incomplete development of mind'. It is a case of this author that these definitions may be useful for giving some incentives and administering welfare programmes for the disabled, but do not

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[6] Ministry of Human Resource Development (MHRD) (1998) *National Policy on Education (As modified in 1992) with National Policy on Education, 1968*. New Delhi: Government of India.

[7] Jangira, N.K. (1997) 'Special Education'. In *Fifth Survey of Educational Research 1988: Trend Report*, Vol.1, New Delhi: NCERT.

have much relevance for giving education to all. At times it becomes limiting and stigmatizing for the children in schools.

Subsequent Acts have either copied the definitions of the PWD Act, 1995, or have added more categories of disabilities. For instance, the Act made in 1999 for creating a Trust for the 'welfare' of persons with autism, cerebral palsy, mental retardation and multiple disabilities has kept the same definition of the mental retardation and disability as given in the PWD Act, but has defined 'severe disability' with 80% of disability, rather than 40% for 'person with disability'. Notably, the National Trust Act does not refer to education of persons for whose 'welfare' it has been created. About the autism, it says, 'autism means a condition of uneven skill development primarily affecting the communication and social abilities of a person, marked by repetitive and ritualistic behaviour' (The Gazette of India, 1999). The same definition of mental retardation has been used in the Rehabilitation Council of India (RCI) Act 1992 (amended 2000). The RCI decides curriculum on special education and accredits institutions and course for 'special education', thus keeping it outside the domain of the mainstream educational institutions and maintaining a clear divide between the two.

- ***Free And Compulsory Education Bill 2004***

A bill has been drafted following the article 21A of the country's constitution to secure fundamental right to education for children of age 6-14 years. Though the bill has now been placed before one the CABE committees, recently constituted, it may not be inappropriate to look at the elements of equality and inclusion in the bill.

The bill defines a child with special needs as one 'with a disability or a learning disability or both'. The learning disability is defined as 'dyslexia, attention deficit disorder, autism, Down's syndrome and such other conditions as NCERT may notify' (GOI, Department of Education). The local authorities shall '*promote integration* of children with special needs in normal schools' (ibid, emphasis added). In absence of a government school, recognized schools, including private unaided schools would be directed to admit these children without specifying who would pay for them. In the subsequent section the draft bill says the child will be sent to a special school existing within the prescribed distance from the residence of the child. It is silent on what happens if a special school is not within the 'prescribed distance' and the child is not able to 'integrate' in a normal school.

The bill intends to create a non-existent category of 'learning disability' that would drive a large number of children from mainstream school system into the hands of professionals and specialists who have begun growing in the private sector. To say the least, if the bill becomes law in this shape, it would be out of tune with international perspectives and inclusion movement across the world that is questioning the theory of special needs and learning disability *within* children. In addition, it would open a big market for special and private schools and 'professionals' in this 'sector', excluding a large number of the poor and the disadvantaged from the mainstream education. There are many study-evidences at the international level that proportion of the working class and ethnic classes have always been significantly high among those labeled as having 'learning disabilities' and 'special needs' (Dunn, 1968[8]; Tomlinson, 1982[9]). In case of India, it would largely mean scheduled castes, scheduled tribes and other children with poor social and economic background.

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[8] Dunn, L. M. (1968) 'Special Education for the Mildly Retarded- is much of it justifiable?' In *Expected Children*, September 35: 5-24

[9] Tomlinson, S. (1982) *A sociology of Special Education*. London: Routledge and Kegan Paul.

6. Demystifying Inclusive Education: The Indian Context (A Brief Note)[10]

The term 'inclusion' has developed an international use in educational vocabulary in recent years and has become a buzzword to ascribe education of children with special needs and disabilities in regular schools, unlike its predecessor 'integration' used in Europe, Australia and Asia and 'mainstreaming' in the USA and Canada. The Warnock Committee in the UK introduced the concept of 'special educational needs' in 1978 in regard to children having ' a learning difficulty, which calls for special educational provision', and it said a child has a 'learning difficulty' if he/she has 'significantly greater difficulty in learning than the majority of children of the same age', or has a 'disability' that prevents the child from making use of facilities available to children of the same age in the school (DES, 1978)[11]. It abolished eleven categories of disabilities and created a generic term of 'special education needs' expanding its coverage from two percent children in special schools to around twenty percent of children that could potentially be labeled as having 'special needs' based on their cognitive capabilities, behavioral responses and physical and sensory impairments requiring ' a range of provision' in regular and special schools (Thomas and Vaughan, 2004)[12]. It, however, did not count social and economic factors contributing to the special needs (Clough and Corbett, 2000)[13].

In richer developed countries, education is largely inclusive of girls, the disadvantaged and the ethnic groups. Children with disabilities-physical and mental and learning difficulties, earlier getting education in separate special schools, are now being recommended to mainstream schools intending to 'include' them in their curricula and cultures. Therefore, the discourse on inclusive education in developed countries mostly centers on the extension of special education, or at most a reform in special education. The approach has to be different in respect of the developing countries where a large proportion of children is still out of school. Those who get enrolled are unable to complete minimum prescribed number of school years. Besides, in many countries, for example in India, there is no separate structure of special schools under the public education system to substantially respond to children with special needs, so the discourse is on whether to develop a separate system or welcome *all* children in regular schools.

There is a perception largely influenced by the non-governmental organisations and unquestioned by the authorities in the government that only 1-5 percent of children with disabilities in India are enrolled in schools. The perception does not match the reality. The literacy rate of 54.5 % (male-64% and female-41.6%) has been recently reported by the census 2001. Comparing with the literacy rate of 64.5% (male-75.3% and female-53.7%) of the total population, and keeping in view that there are only 2500 special schools (RCI, 2000), mostly run by the voluntary agencies, against over 115, 000 secondary schools and 900, 000 primary and upper primary schools in the country, it would be concluded that a large number of ordinary schools are educating children with disabilities. These figures confirm that 'the number of children with disabilities *casually integrated in ordinary schools'* exceed those reported in official documents (Miles, 1997[14],

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[10] Prepared by Madan M Jha

[11] DES (1978) Special educational needs: report of a committee of enquiry into the education of the handicapped children and young people (The Warnock Report). London: HMSO.

[12] Thomas, G. and Vaughan, M. (2004) *Inclusive Education: Readings and Collections*. Berkshire: Open University Press.

[13] Clough, P. and Corbett, J. (eds) (2000) *Theories of Inclusive Education: A Student's Guide*. London: Paul Chapman.

[14] Miles, M. (1997) 'Disabled learners in South Asia: lessons from past for educational experts'. In *International Journal of Disability, Development and Education*, 44(2), 97-104

p.101, emphasis added) and also 'the informal efforts of Indian families and neighborhoods ... to respond to special needs and disabilities' (Miles, 1994, p.4)[15].

Earlier the 47th round of national sample survey in 1991 reported 42% (NSSO, 1994) literacy rate among persons identified as disabled. Often, these figures are disputed due to undercounting and differences in the definition of a disability as used by the survey and the census and those given in laws or applied by NGOs. The percentage of the disabled reported by the survey and the census is close to two percent. NGOs and international agencies believe that disabled should be between 5-10%. Even assuming higher percentage of disabled the literacy rate should not be as lower as is generally projected. As per the recent national survey data, only about 11% disabled were enrolled in special schools in urban areas while less than 1% were enrolled in rural special schools. Under the integrated education scheme over 120,000 children were getting benefits in over 24,000 mainstream schools (Jha, 2002a, p. 98). It seems that those reporting less figures of the literacy rate among the disabled could be referring only to the children covered under the integrated education scheme of the education ministry and special schools under the social justice ministry.

These figures are being presented to suggest that in India children with disabilities *are going to ordinary schools*, without the services of special teachers. There is no charity or 'doing good' factor behind such a natural entry of children into ordinary schools. We do not have a structure of special schools as in the west, where a special school system was created for the disabled parallel to the regular school system when law for compulsory mass education was passed. We are in a similar situation as were the western countries over hundred fifty years ago since we are in the process of making mass schooling compulsory. A central bill for 'free and compulsory education' for children of age 6-14 are in the offing. Now the question is, should we adopt polices and practices of the western countries that created a special school system, trying now to dismantle, or we strengthen our common schools to make them inclusive of all children in the neighbourhood. In other words, should we totally follow the western 'models' of special education, special needs, and learning disabilities, or develop our own understanding, appreciation and values for all-children-learn-together in common inclusive schools. Do we define learning disability and special needs while they want to un-define these exclusionary labels? Analyzing the disability situation in south Asia, Miles (2002)[16] observes, 'inclusion requires a fundamental rethinking of the aims and social context of education, from top to bottom' (p.114).

The social reality in India goes beyond the integration or inclusion of children with disabilities. There are a large number of children with adverse social and economic background and situations. The policy design and instrumentalities have been creating hierarchies of schools for different categories of children (PROBE, 1999)[17]. There may be a need to extend sociological theory to understand this phenomenon in the Indian school education, and engage a discourse around the rights, equity and social justice that had led to a demand for a 'more integrated system' in the west to desegregate special education for the disabled (Skidmore, 1996)[18].

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[15] Miles, M. (1994) 'Disability care and education in 19th century India: some dates, places and documentation'. In *Action Aid Disability News*, 5(2), 1-

[16] Miles, M. (2002) 'Disability in South Asia- millennium to millennium'. In *Journal of Religion, Disability and Health*, 6 (2/3), 109-115.

[17] PROBE (Public Report on Basic Education) (1999) *Public Report on Basic Education in India*. New Delhi: Oxford University Press.

[18] Skidmore, D. (1996) 'Towards an integrated theoretical framework for research into special educational needs'. In *European Journal of Special Needs Education*, 11(1), 33-47

ANNEXURE I

CHAPTER IX

THE EDUCATION OF THE HANDICAPPED

1. In a national scheme of education which provides for all children according to their special aptitudes, it seems only logical that consideration should also be given to those children who are generally classed as 'handicapped'. Little has been done so far in this country to meet the specific requirements of children in this category, and there is much that it could profitably borrow from the experience and achievements of those countries which have been active in this field already. In educationally advanced countries it is agreed that special provision is necessary for subnormal children who fail to keep pace with the majority of their fellows of the same age-group.

The handicapped may be divided into two major groups;

(I) the mentally handicapped, and

(II) the physically handicapped.

2. In schools and in the world outside mental backwardness does not always mean the same thing. Among the mentally handicapped two broad types may be distinguished (*i*) those who are born with intelligence below the average and (*ii*) those who are 'backward' owing to some form of maladjustment or physical ailment, which has caused temporary mental retardation.

Children who are mentally handicapped are not a class radically different from the normal, though the dividing line between normality and abnormality seems to have been rising as civilization has advanced in complexity. Throughout the entire range of abilities that children exhibit, the various grades merge almost imperceptibly into one another. A child who appears to be dull at school may not necessarily prove a failure in life. A cut-and-dried classification is not always either possible or desirable. A detailed study of individual cases is required and efforts should be made to trace the particular causes which may be at the root of a child's failure to make due progress at school. Among the 'backward' children, however, two types are generally found:—

(*i*) those who try, and

(*ii*) those who do not try.

In the former category backwardness may be due to—

(*a*) lack of proper guidance in the initial stage of education,

(*b*) wrong methods of instruction,

(*c*) interruption of study due to frequent migration or illness,

(*d*) specific disabilities which only an expert can diagnose, and

(*e*) nervous and temperamental factors.

Among the latter, the causes of backwardness may be—

(*a*) lack of vitality,

(*b*) environmental influences, *i.e.*, unsatisfactory home conditions,

(*c*) over-indulgence or over-discipline at home, and

(*d*) undetected physical deficiency.

The school medical services will no doubt discover and remedy those that are temporary or curable. There will in any case be an appreciable number of children who will need special education only for a limited period, at the end of which they should be able to take their place with their coevals in the normal group.

3. Efforts are being made today to measure the degree of 'backwardness' by reference to a definite objective standard. In the process of selection it is useful to remember that an individual child is much too complex in his make-up and interests to be explained in terms of a few broad principles. 'Intelligence Tests' have, however, come to be generally regarded as reliable methods and the I. Q. (Intelligence

Quotient) or M. R. (Mental Ratio) is considered to be a fairly accurate index of the educable capacity of a child. This method, however, with its stress on abstract thinking has obvious limitations, for children with relatively low I. Q.'s may have other attributes which will enable them to play their part as independent and useful citizens.

On the basis of intelligence tests subnormal children may be put into three groups. Children with I. Q. between 85 and 70 are " dull " children. These children cannot keep pace with the normal group in the ordinary school course. They will always be educationally backward and the chances of their becoming useful citizens will depend upon the development of abilities other than scholastic. The " dull " are able to perform certain tasks calling for a limited degree of initiative and responsibility but will always need a certain amount of sympathetic supervision, if they are to become and remain reasonably efficient.

Children with I. Q. below 70 are usually termed " feeble minded " ; they may also be kept in ordinary schools, provided they are only called upon to deal with simple concrete things. Those whose I. Q. falls below 55, *i.e.*, " imbeciles ", can find no useful place in the modern world and require special care at home or in institutions.

In Western countries it is estimated that the number of people with an I. Q. less than 55 is approximately 0·3 per cent. of the population. It would appear on that basis that British India has between six to fourteen a population of 1,66,305 which will fit into no kind of school when young and into no occupation when grown up. If the proportion of 1 per cent. is taken as an approximate figure for the number of " feeble minded " there are in the same age-groups in this country 5,54,350 children. The proportion of the " dull " with I. Q. 85-70 is estimated to be about 15 per cent. of the age-group, and on that basis the number of children in the category will be 83,15,250.

4. It is not desirable for psychological or other reasons to segregate the subnormal or backward children in schools. ' Dull ' children, apart from intellectual incapacity, may be otherwise sane and normal. Although it may be expedient in the course of ordinary grading to separate dull children from the bright ones for a considerable part of their intellectual training, yet since they will have to learn to live in a world with people of all grades of abilities, it is essential that throughout the school life they should have opportunities of mingling freely with their brighter fellows and of sharing with them such work and pleasures as all children enjoy. The mentally handicapped children who are educable should, therefore, remain within the general educational system, though special provision will have to be made for their particular requirements. Special schools may have to be provided for the " feeble minded " at a later stage.

5. The education of handicapped children must, as in the case of the normal, aim at enabling them to lead a life of useful service to the community and happiness for themselves. The study of individual children will guide the school in determining what useful habits they should form, what kind of skill they should acquire, what interests and attitude of mind they should be led to develop and what knowledge they should strive for. A carefully planned programme suited to the child's potential abilities, academic and vocational, will enable the child to work towards definite standards. His success should be gauged in relation to his own potentialities rather than in terms of achievements of the normal groups. In short, when it is realized that the understanding of the child is of prime importance and that the subject matter is secondary, then, and only then, can a school help each child to realize his own potentialities.

6. "Those who have had opportunities of watching a successful teacher of a dull and backward class at work have no doubt of the qualities by which such a teacher shines. In the first place, he shows very clearly that he is thoroughly familiar with children's ways : he is interested in them as individuals ; he possesses the power of divining whatever latent possibility is in them and of inspiring them with his own confidence in their eventual success ; he is thoroughly familiar with what appeals to children, he knows how to provide the tasks that will keep them happily and usefully occupied and how to make work that does not at first attract a source of pleasure and profit ; he is able to turn the most untoward circumstance to good account and re-direct attention into proper channels when it has become diverted elsewhere ; he is generous and open-minded, quick to show sympathy when it is needed but slow to give up hope when things are not going well ; he is lively and cheerful himself and his example and influence breed liveliness and cheerfulness in his pupils ; he may or may not be distinguished academically, but he will certainly possess a fund of common sense and have an undoubted gift in some direction or other—a gift, perhaps, for dramatic work or for music, or dancing, or games, or craftwork. On the whole, his interests will be active and practical rather than just bookish ; he will be wise and resourceful rather than merely clever ; and he will be more interested in projects rather than subjects and in children than either ".*

Teachers with the qualities described above are not easy to find ; but the problem of ensuring the supply of such teachers is inseparably bound up with those of the selection and training of teachers in general. There are not many members of the teaching profession in this country who possess experience in handling dull children over a long period, for acquaintance with the general principles of human development must necessarily be supplemented by class-room experience and hitherto little attention has been paid to the dull or backward child as a specific educational problem. The training colleges will have to face the task almost entirely by themselves, since they cannot as in other educationally advanced countries turn to organisations for mental welfare, like the National Institute of Industrial Psychology or the Child Guidance Clinics, for help and guidance.

There are at present only two institutions in India for the education of the mentally handicapped.

(1) Bodhana, Jhargram, Bengal.

(2) The Children's House, Kurseong, Bengal.

The first is the only institution which serves the needs of all communities in India generally ; the second is an institution catering for European and Anglo-Indian children only.

7. The physically handicapped may be divided into the following categories:—

(*i*) Those who are deficient in one or more special senses ; the blind, the deaf, the deaf and blind, the deaf-mutes etc.,

(*ii*) those who are retarded by motor deficiency including respiratory, heart and orthopaedic cases and

(*iii*) those who are defective in speech.

The number of the physically handicapped according to the census of 1931, modified in the light of expert opinion, may very roughly be put as follows :—

Blind	17,50,000
Deaf-mute	2,00,000
Deaf	6,00,000
Cripple (permanently handicapped) ..	Not known.
Delicate (temporarily handicapped) ..	Not known.
Speech-Defective	Not known.

* P. 50, Board of Education pamphlet 112.

In the absence of effective remedial measures, climate, customs and quacks must have added considerably to these figures during the last ten years. Unfortunately no figures relating to these items are available in the 1941 census.

8. The census of 1931 puts the number of the blind in British India (excluding Burma) at 4,35,078, but census figures can hardly be relied on for educational purposes as there is no standard definition of blindness in this country. If the definition adopted by the English Board of Education be accepted, namely, "so blind as to be unable to perform any work for which eye-sight is essential", expert calculation would then raise the number of the blind population in India in 1941 to about 20,00,000, with about 4,00,000 in the six to fourteen age-group.

What has been done up-to-date to tackle this problem has been very largely due to voluntary philanthropic enterprise. There are in existence 33 societies which are gallantly facing this enormous challenge; of these 25 are for the blind only, 6 are for both blind and deaf, 1 is in combination with a poor asylum and 1 with a cripple home. Altogether they have a total enrolment of 1,156 blind people, of whom 998 are males and 158 females. Of these 987 are children. It will be clear from this how much remains to be done.

If the problem is to be effectively tackled, the services provided must be comprehensive. It is true that in other countries blind welfare work has been pioneered by private philanthropy and the State has come in when private enterprise had already made appreciable progress. This country, however, has waited long enough and the time has arrived when the State should take up the education of handicapped children as a necessary part of the general scheme, though it will no doubt at all times encourage and welcome voluntary assistance. The Board have urged that comprehensive legislation in the general interests of the blind should be promoted on the lines of the Blind Persons Act in Great Britain. Such legislation should ensure among other measures the compulsory education of blind children as well as facilities for vocational training to provide employment for the employable blind and financial help for those who cannot be made self-supporting. As a preliminary to launching an effective scheme for the welfare of the blind it is essential that a special census of the blind persons in India should be taken as soon as possible. It is also necessary to adopt a Uniform Braille Code for Indian languages as a whole. Attempts in the past to overcome the linguistic difficulties inherent in this task have failed but last year a special committee of the Board at last succeeded in devising a Uniform Braille Code which will, it is hoped, meet the demands of the Indian languages and win in time general acceptance. It still remains to set up a central press with an up-to-date embossing plant and a workshop for manufacturing necessary educational apparatus together with a central library to serve all institutions in India.

Apart from training facilities for the blind there also should be in every area an after-care department to place those trained in jobs as well as a research bureau to investigate improved methods of training and new avenues of employment. Special training institutions will also be necessary for training teachers for the blind schools. While the schools with their medical services will do all they can to train and place the blind in life, there are numerous other aspects of the problem, *e.g.*, the prevention of blindness, the education of public opinion, begging, etc., which can only be tackled effectively by an all-India society with the sanction of the State behind it. It is satisfactory to record that the Government of India have recently appointed Sir Clutha Mackenzie to study the problem and prepare a comprehensive scheme for improving the general welfare of the blind population.

9. It is a common practice in existing institutions to combine the education of the deaf, deaf-mutes and other physically infirm with that of the blind. As their requirements are separate and distinct, there should be special institutions for the education of each main category. Deaf-mutes and the stone-deaf require education in a special school for the deaf; the partially deaf, according to the degree of their defect, should either be taught in a school or class for the partially deaf, or should be placed in the front seats of the class in an ordinary school.

The existing educational provision for the deaf comprises 35 schools with a total enrolment of 1,313 pupils.

10. One of the most notable expansions of the educational and medical services in Western countries during recent years, has been the development of schemes for the education and training of the physically handicapped children, most of whom are commonly known as "cripples". The English Board of Education hold that there are three vital conceptions which lie at the foundations of any sound application of medical science to the amelioration of the condition of the child disabled or crippled by disease or accident—

(1) there must be restoration of the form and straightness of the body;

(2) there must be re-education of the restored functions of the body;

(3) reliance for both restoration and re-education must be placed in the inherent powers of the living tissues of the body, of brain as well as of bone and muscle.

The under-vitalized, the tubercular and the cardiac may be considered together within this somewhat complex group of the physically handicapped. The term "delicate" may be used to cover the sub-group whose deficiencies are more or less of a temporary character. The facilities required for the delicate in many ways resemble those for the permanently handicapped or the "cripples". Fresh air classes and open air schools are the best that educational and medical experts have been able to prescribe for this type of child. The open air school should be a play ground and a school room combined. Climatic conditions in this country would render it necessary to build these schools in localities where the winter is mild and the summer not too trying, i.e. at the sea-side or in hill stations of moderate height.

11. The variety of forms of speech defect and the number of causes to which these defects are attributed make the care, treatment and education of children suffering from such handicaps extremely complicated. The outstanding cases are the speech defects of the deaf and stuttering, which is commonly associated with motor defects. A national survey in U.S.A. revealed that 9 in every 1,000 children are stutterers and that there were in that country about 1 million school children between the ages of five and eighteen so handicapped in speech as to require remedial treatment and training. There can be no doubt that the number of children so affected in this country is very large. Treatment can be provided either in full-time special schools, day or residential, or more easily and economically, in special classes held after school hours so that the children may be free to attend their ordinary classes at other times. It is of course necessary to employ expert teachers and to give individual instruction. It is also important to secure the cooperation of the parents.

12. Another group of individuals should claim consideration from the educationist today. Those with more easily recognized handicaps, whether physical or mental, have received due consideration in educationally advanced countries for many years past but it is only recently that a group, who were usually labelled "criminals", have come to be classified as "socially handicapped" or "social

misfits" and regarded as within the possible range of educational reclamation. The problem is one of reclamation rather than segregation. The retributive attitude is being gradually replaced in civilized countries by an educational approach and a modern educational system in this country should provide facilities for the proper training of this group with a view to rehabilitation. With the introduction of a compulsory system of education, which should keep all children usefully occupied in school, the magnitude of the problem will be to some extent automatically reduced. Child Guidance Clinics will no doubt be established by authorities to deal with delinquent or socially maladjusted children.

13. The Board have considered the minimum educational qualifications and the minimum age for admission to the appropriate courses of training in the case of teachers in special schools for mentally and physically handicapped children and are of opinion that generally the requirements here should be the same as in the case of primary schools. But they emphasize in agreement with what has been stated above that in selecting recruits for such schools special attention will have to be paid to personal characteristics and aptitudes. They, however, recommend that the course of training for the teachers in blind schools should be different and that there should be established a special all-India institution for the training of teachers of this category. The same will apply in the case of teachers of the deaf.

14. In considering the question of accommodation the Board are of opinion that although the average number in a class in the special school for handicapped children should be considerably smaller as a rule than in an ordinary school, this should not be regarded as an adequate reason for reducing the size of any class room below that of the standard unit prescribed for normal children, that is, 400 sq. ft. Children with physical defects require more room for movement and often need special furniture, while in the mentally sub-normal class freedom of movement, variety of practical occupations and personal supervision by the teacher all demand ample floor space. Special types of construction will be necessary to meet the special requirements of these schools and it is likely that much experiment will have to take place before the type of accommodation specially suited to Indian conditions can be discovered.

Special schools will, on the whole, be more costly than the ordinary schools and the cost of each type of school will vary with the nature of the special services and requirements involved. The special services, the buildings and equipment, the higher cost of training and the higher salaries of teachers in some cases will all tend to add to the cost of this branch of the educational system. It may be asked whether a country like India could or should afford the money for such special schools, the return for which may not be proportionate to the expenditure involved. The answer is that in a national system intended to satisfy the needs of all it is difficult to ignore the claims of those who are unfortunate through no fault of their own. Moreover, the money spent in educating them may prove a profitable investment in view of the fact that many of the handicapped at the end of their training may be saved from becoming a burden either on private charity or on the State.

Consideration has already been given by the Board to this problem and in 1936 they recommended that the education of the handicapped should not be neglected and asked Provincial Governments to report what the position was in their areas. The general attitude of the Provinces, as indicated by their replies, appeared to be that whatever funds were available should be spent in extending education among normal children. In spite of this the matter was taken up again by the Board last year, when they reiterated their opinion that the provision

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of special schools for mentally and physically handicapped children should be one of the functions of the State and that the question should receive the earnest and immediate attention of the educational authorities concerned. They also recommended that the Provinces, Local Administrations and major States should make a survey of the mentally and physically deficient population of school going age, since in the absence of such information no planning is possible. The time has come when State action can no longer be delayed. While in a period of financial stringency there may have been some justification for preferring the claims of the normal, there can be no excuse for neglecting the needs of the handicapped in a scheme of education on really comprehensive lines which is now in contemplation.

15. Summary of the main conclusions in this chapter :—

(*a*) Provision for the mentally or physically handicapped should form an essential part of a national system of education and should be administered by the Education Department.

(*b*) Hitherto in India Governments have hardly interested themselves at all in this branch of education : what has been done has been due almost entirely to voluntary effort.

(*c*) Wherever possible, handicapped children should not be segregated from normal children. Only when the nature and extent of their defect make it necessary, should they be sent to special schools or institutions. Partially handicapped children should receive special treatment at ordinary schools.

(*d*) The blind and deaf need special educational arrangements, including specially trained teachers. It may be desirable to establish central institutions for training the teachers required.

(*e*) Particular care should be taken to train the handicapped, wherever possible, for remunerative employment and to find such employment for them. After-care work is essential.

(*f*) In the absence of any reliable data it is impossible to estimate what would be the cost of making adequate provision for the handicapped in India ; 10 per cent. of the total expenditure on Basic and High Schools has been set aside for special services, which include such provision, and it is hoped that this will suffice.

TABLE 6.5 EXPENDITURE ON SCHOLARSHIPS/STIPENDS BY SOURCES (1960-61)

Type of institution	Percentage of expenditure incurred from the funds of				Total (in 000's)	Percentage of expenditure on scholarships/ stipends incurred on the type of institutions to total expenditure on scholarships/stipends from the funds of				
	Central Government	State Governments	Local Bodies	Other sources		Central Government	State Governments	Local Bodies	Other sources	Total
1. University Teaching Departments	41·3	38·2	..	20·5	5,871 (100)	7·7	2·5	0·3	12·5	4·5
2. Research Institutions	44·6	9·0	0·3	46·1	1,839 (100)	2·6	0·2	0·6	8·8	1·4
3. Colleges for General Education	44·2	48·2	0·3	7·3	27,248 (100)	38·4	14·9	6·6	20·8	21·0
4. Colleges for Professional Education	31·3	57·6	0·3	10·8	22,020 (100)	21·9	14·4	7·0	24·8	16·9
5. Colleges for Special Education	45·5	42·7	..	11·8	880 (100)	1·3	0·4	..	1·1	0·7
TOTAL HIGHER EDUCATION	39·0	49·4	0·3	11·3	57,858	71·9	32·4	14·5	68·0	44·5
6. Secondary Schools	12·2	81·0	0·8	6·0	26,337 (100)	10·2	24·2	21·8	16·4	20·3
7. Schools for Vocational Education	15·4	82·2	0·3	2·1	33,169 (100)	16·2	31·0	9·1	7·4	25·5
8. Higher Primary School	3·0	89·9	4·5	2·5	7,777 (100)	0·8	7·9	34·3	2·0	6·0
9. Lower Primary School	0·4	89·0	7·1	3·5	2,831 (100)	..	2·9	19·5	1·0	2·2
10. Pre-Primary School	..	100·0	..	..	1 (100)	..	..	..	..	..
11. Schools for Special Education	12·6	63·2	0·4	23·8	2,037 (100)	0·8	1·5	0·8	5·1	1·5
TOTAL SCHOOL EDUCATION	12·2	82·3	1·2	4·2	72,152 (100)	28·0	67·5	85·5	31·9	55·5
GRAND TOTAL	31,375 (24·1)	88,014 (67·7)	1,024 (0·8)	9,598 (7·4)	130,011 (100·0)	100·0	100·0	100·0	100·0	100·0

Source : Ministry of Education, Form A. (Totals do not tally beacuse of rounding).

well lay the foundation for a more massive attack on the problem to be made in later years. There is much in the field that we could learn from the educationally advanced countries which in recent years have developed new methods and techniques, based on advances in science and medicine.

6.43. **Scope and Size of the Programme.** The primary task of education for a handicapped child is to prepare him for adjustment to a socio-cultural environment designed to meet the needs of the normal. It is essential, therefore, that the education of handicapped children should be an inseparable part of the general educational system. The differences lie in the methods employed to teach the child and the means the child uses to acquire information. These differences in methodology do not influence the content or the goals of education. This form of education is, therefore, conveniently referred to as 'special education'.

6.44. Determination of the size of the handicapped population has eluded educators, planners and social workers not only in this country but also in many of the economically advanced countries. For instance, even the United States does not have a reliable estimate of the number of handicapped children. From the available

evidence, it appears, however, that the total population in the following categories is about 2.5 million in our country.

(1) *The Blind.* A recent survey undertaken under the auspices of the Ministry of Health has, however, suggested that the number of blind persons might be of the order of four million. This is also the estimate of the Royal Commonwealth Society for the Blind, London. The number of children of school age is estimated at 400,000.

(2) *The Deaf.* No national survey of the incidence of deafness has been undertaken. Estimates based on a few sample surveys would seem to indicate that the number of deaf persons in the country may be anywhere between 1 and 1.5 million. The number of children of sechool-going age is believed to be about 300,000.

(3) *The Orthopaedically Handicapped.* No national survey of this category of handicapped persons has yet been undertaken. Again, based on a few sample surveys, it would appear that the number of orthopaedically handicapped children in the country is about the same as that of the blind.

(4) *The Mentally Retarded.* Mental retardation is a complex concept influenced to a large extent by cultural factors and its determination involves the administration of sophisticated psychological tests. It is, therefore, difficult to estimate the number of such children in the country. Here again, estimates based on somewhat inadequate sample surveys seem to suggest that the country may have between 1.4 to 1.8 million mentally retarded children.

Briefly, the position is summed up below:

Category	Estimated number of children
The Blind	400,000
The Deaf	300,000
The Orthopaedically Handicapped	400,000
The Mentally Retarded	1,400,000
TOTAL	2,500,000

6.45. **Existing Educational Facilities.** The present position of educational facilities for these children is as follows:

(1) *The Blind.* At present, there are about 115 schools and other establishments for the blind with an enrolment of 5,000 or a little over 1 per cent of the total number of blind children in the country. Most of these institutions impart primary education coupled with training in a few simple handicrafts. Music forms an integral part of the curriculum. The great majority of the existing institutions are run by voluntary agencies but are assisted by State Governments. The Central Government has set up a comprehensive National Centre for the Blind at Dehra Dun. This Centre includes a Central Braille Press which publishes textbooks and other reading material in Braille. The Centre also has a workshop for the manufacture of Braille appliances which produces the basic equipment needed for the education of the blind. There are three centres for the training of teachers of the blind sponsored by the Government of India and they can train between 30 and 40 teachers annually. In addition, the Governments of Madras and Andhra Pradesh conduct courses for training teachers when needed.

(2) *The Deaf.* The number of schools for deaf children is about 70. Most of these schools provide primary education coupled with some prevocational training in engineering and non-engineering occupations. The majority are privately managed but are aided by the State Governments. The total enrolment is about 4,000 or a little over one per cent of the total population of such children. About half a dozen centres for the training of teachers of the deaf are functioning at present and can train 50 to 60 teachers per annum.

(3) *The Orthopaedically Handicapped.* The major problem of this category of children is locomotor in character and they often attend ordinary schools. At present, there are about 25 institutions for such children with a total enrolment not exceeding about 1,000. Since most orthopaedically handicapped children do not present special educational problems, it is not considered necessary to have specially trained teachers for this category of children.

(4) *The Mentally Retarded.* On account of its complexity, this aspect of special education has received very little attention. There are only about 27 schools for mentally retarded children with a total enrolment not exceeding 2,000. One of these

schools is run by the Government of India. Two centres for the training of teachers of mentally retarded children are functioning at present and they can train about 20 teachers annually.

At present, there are practically no facilities for the education of other categories of handicapped children. Some of the emotionally disturbed children are cared for in children's homes and other institutions set up under the various Children's Acts. As a rule, however, such homes are not intended primarily for the educational treatment of emotionally disturbed children.

It is evident from the brief review given in the preceding paragraphs that the existing facilities are extremely inadequate. In certain cases, the foundation has been laid while in others we have to begin at the beginning. The importance of a carefully thought-out plan for the development of educational services for the handicapped cannot, therefore, be over-emphasized.

6.46. **A Plan for Action.** The progress in providing educational facilities to handicapped children will be limited by two main considerations: teachers and financial resources. A reasonable target will, therefore, be to provide, by 1986, education for about 15 per cent of the blind, deaf and orthopaedically handicapped children and to about 5 per cent of the mentally retarded ones—this will mean the provision of educational facilities for about 10 per cent of the total number of handicapped children. As a part of the programme, it should be possible to have at least one good institution for the education of handicapped children in each district.

6.47. This goal can be reached through the adoption of two programmes—the special and the integrated. In the special programmes which alone have been developed so far in our country, the handicapped children are isolated from the normal ones and placed in special institutions. In the educationally advanced countries, however, a great deal of stress is now being laid on the integration of handicapped children into the regular school programmes. This has several advantages of which two are important: reduction of costs and promoting mutual understanding between handicapped and the non-handicapped children. This has also its disadvantages. For instance, many handicapped children find it psychologically disturbing to be placed in an ordinary school. On an overall view of the problem, however, we feel that experimentation with the integrated programmes is urgently required and every attempt should be made to bring in as many children into integrated programmes as possible.

6.48. In addition, it will be desirable to develop services on a pilot basis for some additional categories of children who have peculiar educational needs, *viz.*, the partially-sighted, the speech-handicapped, the aphasic the brain injured and the emotionally disturbed. As pointed out earlier, hardly any attempts have been made in this field so far. It is impossible to state at this stage, what the number of such children will be. Even the facilities for training teachers are very inadequate. The Ministry of Health is already in the process of setting up an institute for the training of speech-therapists at Bangalore. These speech-therapists could deal with speech-handicapped and aphasic children. There are hardly any facilities for the training of teachers for the partially-sighted or the emotionally disturbed and brain-injured children. We, therefore, suggest that an attempt should be made in the next two plans, to set up a few centres as a pilot project, to assist these categories of children. The whole problem may be reviewed again after 10 years.

6.49. To develop these programmes adequately, attention will have to be paid to the following matters:

(1) The preparation of teachers will need emphasis and attention. Assuming a pupil-teacher ratio of 10:1, about 16,500 teachers will be needed for the blind, deaf and mentally retarded children only. This will necessitate a considerable increase in the capacity of the existing training institutions and the establishment of new ones.

(2) It is necessary to co-ordinate the efforts of different agencies working in the field such as the Ministry of Education, the Central Social Welfare Board, voluntary organizations interested in the problem and the Ministry of Health. Similar co-ordination will also be needed at the State levels.

(3) It is also necessary to develop adequate research in the problem. We recommend that the Ministry of Education should develop a programme for this and allocate the necessary funds. The NCERT should have a cell for the study of handicapped children. The principal function of this cell would be to keep in touch with the research that is being done in the country and outside and to prepare materials for the use of teachers.

ANNEXURE - III

National Policy on Education, 1968

Section 4: Equalisation of Educational Opportunity:

Strenuous efforts should be made to equalise educational opportunity.

a. Regional imbalances in the provision of educational facilities should be corrected and good educational facilities should be provided in rural and other backward areas.

b. To promote social cohesion and national integration the Common School System as recommended by the Education Commission should be adopted. Efforts should be made to improve the standard of education in general schools. All special schools like public schools should be required to admit students on the basis of merit and also to provide a prescribed proportion of free-studentships to prevent segregation of social classes. This will not, however, affect the rights of minorities under Article 30 of the Constitution.

c. The education of girls should receive emphasis, not only on grounds of social justice, but also because it accelerates social transformation.

d. More intensive efforts are needed to develop education among the backward classes and especially among the tribal people.

e. Educational facilities for the physically and mentally handicapped children should be expanded and attempts should be made to develop integrated programmes enabling the handicapped children to study in regular schools.

ANNEXURE IV a

National Policy on Education, 1986

Chapter IV : Education for Equality

Handicapped

4.9 The objective should be to integrate the physically and mentally handicapped with the general community as equal partners, to prepare them for normal growth and to enable them to face life with courage and confidence. The following measures will be taken in this regard:

i. Wherever it is feasible, the education of children with motor handicaps and other mild handicaps will be common with that of others.

ii. Special schools with hostels will be provided, as far as possible at district headquarters, for the severely handicapped children.

iii. Adequate arrangements will be made to give vocational training to the disabled.

iv. Teachers' training programmes will be reoriented, in particular for teachers of primary classes, to deal with the special difficulties of the handicapped children; and

v. Voluntary effort for the education of the disabled, will be encouraged in every possible manner.

ANNEXURE IV b.

4. EDUCATION OF THE HANDICAPPED

1. PRESENT SITUATION

4.1.1 It is estimated that about 12.59 million children with disabilities are to be provided education in the school system. The details are as follows :

		Figures in Million
Projected Population of children with disability in the age-group 5-14 years@		3.19
Locomotor Handicap	1.48	
Hearing Handicap	0.65	
Speech Handicap	0.91	
Visual Handicap	0.15	
Mentally retarded children in the age group 5-14 *		3.60
Children with learning disability in the age group 5-14		3.60
Children with disability in the age group 16-18 years		2.20

@ The 1981 figures of the survey by NSSO have been extrapolated on the assumption that population with disabilities would have grown at the same rate as the general population.

* Estimated at 1% of the population in the age group 5-14 years.

Out of these, about half a million require vocational training.

4.1.2 The educability of another 2 million disabled children is to be improved through early intervention and services by ECCE.

4.1.3 At the end of 1991-92 about 30,000 children with disability were availing special benefits under the scheme of Integrated Education for Disabled Children (IEDC). In addition, about 60,000 children with mild disabilities received resource support without special benefits. A large number of children with disability are also receiving education in special schools which number about 1035.

4.1.4 The Project Integrated Education for Disabled (PIED) is being implemented, as a field demonstration, in one block each in ten States and Union Territories. In these blocks about 90 per cent of children with disability are receiving education in general schools per pupil in these blocks is now around Rs. 2,000/- and is likely to come down further as the number of beneficiaries increases. General teachers feel confident and motivated as their status in the community has improved due to the services they provide.

4.1.5 The innovative multi-category training of resource teachers has been found to be effective and has been institutionalised in the Regional Colleges of Education, the universities offering special education courses and the training programmes organised by Non-Governmental Organisations.

4.1.6 Each DIET has been provided a resource centre for orienting elementary teachers and establishing field demonstrations in lab areas. Faculty from 102 DIETs have so far received induction training at the NCERT.

4.1.7 The Ministry of Welfare had taken steps to ensure supply of trained manpower to special schools and improve standards in these schools through the National Institutes for the Handicapped (NIHs) and increased support to NGOs.

4.1.8 The Ministry of Labour manages 17 Vocational Rehabilitation Centres (VRCs) for the handicapped and helps in their placement also. About 66,000 persons with disability have been rehabilitated under this scheme by September, 1991. Three percent of seats for admission to ITIs and under the Apprenticeship Training Scheme are available for handicapped persons. These seats are being fully utilised.

4.1.9 The evaluation of special schools and the scheme of IEDC has revealed some grey areas. General education system is not yet mobilised, to a noticeable extent, for education of the handicapped, either at the Central or State level. Inputs from different schemes like CBR, DRC, ECCE, non-formal education, adult education, vocational and technical education, etc. are not being brought together for the education of the physically handicapped. Some States are still reluctant to implement IEDC while some are implementing it rather indifferently. Few NGOs are active in rural areas. The standard of education in special schools needs improvement. Facilities for the education of children with multiple handicaps are yet to be developed. The early detection and intervention programmes so essential for education of these children have yet to be started. The goal of UEE for this disadvantaged group would remain an unachievable dream unless concerted and urgent measures are taken.

2. NPE REVIEW PERSPECTIVE

4.2.1 As part of its concern for equalisation of educational opportunities, the NPE, 1986 focuses on the needs of children with disabilities. The NPE, 1986 recommended an integrated education in general schools for children with locomotor handicaps and with other mild disabilities, orientation and pre-service training of general teachers to meet special needs of these children, provision of vocational training, establishment of special schools for severely dis-

abled children and encouragement of voluntary organisations in these tasks. The POA suggested a pragmatic placement principle. It postulated that a child with disability who can be educated in a general school should be educated in a general school only and not in a special school. Even those children who are initially admitted to special schools for training in plus curriculum skills should be transferred to general schools once they acquire daily living skills, communication skills and basic academic skills.

3. TARGETS

4.3.1 For achieving equalisation of educational opportunities, children with disability should have access to quality education comparable to other children. However, considering the financial resources likely to be available during the 8th Plan the targets for education of disabled children would be as follows:

(i) Children who can be educated in general primary schools

(a) Universal enrolment by the end of 9th Five Year Plan.

(b) Ensuring achievement of minimum level of learning through adjustment and adaptation of curriculum and teaching to special needs.

(ii) Children who require to be educated in special schools or special classes in general schools

(a) Universal enrolment by the end of the 9th Five Year Plan.

(b) Ensuring achievement of level of learning commensurate with their potential.

(iii) Reduction of drop out rates on par with other children.

(iv) Providing access to disabled children to secondary and senior secondary schools with resource support and making special provision for vocational training of these children, particularly those with intellectual disabilities.

(v) Reorienting pre-service and in-service teacher education programmes including pre-school teachers training programmes to meet special needs in the classroom.

(vi) Reorienting adult and non-formal education programmes to meet educational and vocational training needs of persons with disability.

4. IMPLEMENTATION STRATEGIES

4.4.1 The strategy of area-specific and population-specific micro-planning for UEE is equally relevant for this disadvantaged group. Planning for UEE and adult literacy at all levels - Centre, State, District, Block and Project - should provide for the educational needs of this category of children.

4.4.2 Education of children with disability will be a component in the training of educational planners and administrators as well as preservice and inservice teachers. DIETs, CTEs and IASEs which have been provided facilities for this component will have to pay particular attention to this aspect of teacher training. While drawing up schemes for strengthening SCERTs, cells for education of the handicapped may be considered as envisaged in IEDC.

4.4.3 The material supplied under Operation Blackboard will have to take into consideration special needs of these children. School buildings will have to take note of architectural adjustments needed to ensure access to children with disability, at the construction stage itself so as to avoid expenditure on modifications later on. Special schools need to be opened in the districts which have no special school facilities. The education of the handicapped should form an essential component in all externally assisted basic education projects being implemented or proposed to be implemented.

5. INTEGRATED EDUCATION FOR DISABLED CHILDREN (IEDC)

4.5.1 The POA, 1986 target of increasing enrolment of children by 25 per cent per year was achieved as enrolment of disabled children in general schools increased from 15,000 to 30,000. Subject to availability of resources, the cumulative enrolment would reach 50,000 by the end of the 8th Plan. However, an additional 1,00,000 children with mild disabilities will be provided resource support from teachers and learning aids and equipment.

4.5.2 The following actions are needed for achieving the targets laid down:

(i) Adequate allocations of resources.

(ii) Provision for education of persons with disability should be made an integral component in externally assisted basic education projects.

(iii) Provision for education of disabled children should be made in the Centrally Sponsored Schemes of Operation Blackboard, Vocationalisation of Education and Non-Formal Education.

(iv) Co-ordinated implementation of schemes like Community Based Rehabilitation, ECCE, VRCs and IEDC so as to reduce cost and achieve higher coverage. This would require coordination among the Ministries/Departments of Health, Welfare, Education, Women & Child Development and Labour.

(v) The NGOs have to be encouraged to implement IEDC, particularly in rural areas. The NGOs involved in other educational activities will be encouraged to work in this area also and assisted in developing their expertise.

6. SPECIAL SCHOOLS

4.6.1 The POA envisaged provision of an additional 400 special schools at the district headquarters. However, because of resource constraints no new special school has been established. The Ministry of Welfare has identified 240 districts without any special schooling facility. Efforts would be made to provide special schools in these districts by the end of 9th Five Year Plan.

7. VOCATIONAL TRAINING

4.7.1 The Ministry of Labour is providing vocational training to the handicapped through the Craftsman Training Scheme (CTS), the Apprenticeship Training Scheme and separate Vocational Rehabilitation Centres (VRCs). Three per cent of the seats for admission to ITIs under the Craftsman Training Scheme and Apprenticeship Training Scheme are reserved for candidates who are handicapped but have aptitude and are otherwise fit to undergo the required training. The States/UTs have been advised from time to time to implement this reservation for the handicapped which will be continued during the 8th Plan also. Seventeen VRCs will continue to provide training to a larger number of handicapped persons during the 8th plan. The instructors in ITIs will receive orientation to meet special needs of handicapped persons. This component will be added in ITI instructor's training programme. Adjustment and adaptation of equipment to provide full access to disabled persons will be ensured.

4.7.2 The National Institutes for the Handicapped under the Ministry of Welfare will continue their efforts to provide vocational training to the handicapped.

4.7.3 The Department of Education will also encourage voluntary organisations working in the area of vocational education and training for the handicapped. The CIVE will provide support to vocational training programmes for the handicapped through teacher training material and other resources.

8. ORIENTATION AND TRAINING OF TEACHERS

4.8.1 All the DIETs to be established by the end of the 8th Plan will have a resource room and trained faculty to teach the essential component of education of children with disability. They will also run orientation programmes for teachers at least from lab areas and practising schools to establish field demonstration of IEDC programme. The SCERTs will support field demonstrations under the scheme of IEDC. Similar action is suggested for the 250 CTEs and 50 IASEs. The budget provision is available in the scheme itself. The pre-service training curriculum will induct essential components in these areas, wherever it has not been done so far.

4.8.2 All in-service teachers should receive awareness input on education of children with disability in orientation programmes. In each area/institution where IEDC is implemented all teachers will receive orientation as envisaged in the scheme of IEDC. The heads of institutions and educational administrators will also receive training. Considering the large numbers to be covered, the Indira Gandhi National Open University and NCERT should plan credit courses on special education to equip general teachers to meet special needs. The NCERT will provide training to the IEDC cell staff. Multicategory training of resource teachers will be encouraged in UGC supported programmes.

9. TRAINING OF EDUCATIONAL ADMINISTRATORS

4.9.1 The NIEPA in collaboration with NCERT should develop programmes for training educational administrators and making them aware of the needs of this group. The IGNOU should design and offer courses for this target group also.

10. SPECIAL TEACHERS

4.10.1 The NIHs and its regional training centres have built up capacity to train single disability special teachers for special schools. Besides meeting demands of the new special schools, the existing untrained teachers will be trained and backlog cleared by the end of the 8th Plan. Inservice training of special teachers will be planned in a way that each teacher receives a three-week course every four years.

4.10.2 Efforts will be made to promote special education units in university departments of education for training teachers to handle multicategory disabilities.

11. EDUCATIONAL AND VOCATIONAL GUIDANCE PERSONNEL

4.11.1 The existing educational and vocational guidance counsellors should be provided training in dealing with disabled children and their parents. Essential component should also be added to their preservice training programmes. The NCERT and NIHs should design and offer in-service course for in-service counsellors.

12. CONTENT AND PROCESS

4.12.1 Curriculum flexibility is of special significance for these children. Special needs of these children will be met, if child centred education is practised. The curriculum adjustment and adaptation of teaching methods and material

will be worked out, field tried and provided to the users. The following actions will be taken:

(i) Guidelines for child centred education, including special needs in the classroom, being developed at the NCERT will be made available by mid 1993.

(ii) Guidelines for adjustment of curriculum and instructional material and methods for visually and hearing handicapped at primary level have been developed. These will be made available to teachers. Work for upper primary and secondary school level will be started and completed by the end of 1994.

(iii) The achievement of minimum levels of learning by children with mild disabilities should be ensured through resource support and alternative learning material, wherever needed.

(iv) The Boards of Examination should make adjustment and adaptations in examination for the handicapped children.

(v) Study of more than one language should not be compulsory for deaf children.

(vi) Teaching of Science and Mathematics is either not available to handicapped children or they opt for an easier substitute. Special efforts should be made by the NIHs and the NCERT to develop an action programme to improve access of disabled children to these important areas.

(vii) Child-to-child help in education of children with disability is an effective resource in view of large classes and multigrade teaching. NCERT should develop a package and make it available to teachers by the end of 1993.

(viii) The special learning aids and equipment like braille books, braille kit, audio visual material will be developed and made available to schools by NIHs and NCERT.

13. USE OF MASS MEDIA

4.13.1 Radio and television are being used in a limited way both for advocacy as well as educational purposes. The CIET, SIETs, NIHs and other organisations will develop a variety of programmes so that they can be regularly telecast/broadcast. The MHRD will approach the Ministry of Information and Broadcasting for providing adequate time for this purpose.

4.13.2 The CIET, SIETs and NIHs will also develop software in non-telecast mode and make it available to DIETs, other training centres and NGOs working with disabled persons.

4.13.3 Field publicity units should be utilised by States for advocacy programmes. Newspapers and magazines have started popular advocacy and educational writing in this area. The NCERT and the NIHs will develop packages and hand over to journalists in workshops.

14. AVAILABILITY OF SPECIAL LEARNING MATERIAL AND AIDS

4.14.1 Learning material in braille is still not available to all children. Same is the case with aids like braille slate, Taylor frame, etc. Similarly language training material for speech and hearing handicapped is not available in regional languages. Steps will be taken by the NIVH, AYJNIHH, NIMH and the NCERT to ensure the availability of such material.

15. MONITORING AND EVALUATION

4.15.1 The availability of a reliable data base is essential for proper monitoring and evaluation of educational programmes for persons with disability. Towards this end the District Education Office, must, with the help of other agencies, collect data about the number of disabled persons in the District - disability wise, sex wise and age group wise; beneficiaries under IEDC, special schools, ITIs, VRCs, etc., number of special and resource teachers, their qualifications and pay scale, and budget utilisation. Similar information should also be included in the statistics collected by MHRD as also the Educational Surveys conducted by NCERT.

4.15.2 The MHRD and the Ministry of Welfare should make grants under IEDC and special schools contingent on the periodic returns giving the information. An inter-departmental Committee should be set up at the State and Central levels for monitoring. In addition, regular visits by the officers of the MHRD, NCERT, Regional Colleges of Education and field offices, should lead to status reports.

4.15.3 Evaluation studies by external agencies, universities conducting courses on education and rehabilitation of persons in specific geographical areas will be commissioned by MHRD and the Ministry of Welfare.

ANNEXURE V

Section C : Education of the Handicapped

NPE/POA Stipulations

4.3.1 NPE advocates the policy of integrating the physically and mentally handicapped with the general community as equal partners as the objective of their education. Specific measures suggested are common education along with normal children for those who have motor handicaps; provision of special schools and hostels for the severely handicapped, vocational education for the disabled, teachers' training and encouragement of voluntary efforts.

4.3.2 The POA mentions, about the detailed measures to be taken, important amongst them being massive in-service training for teachers, orientation programmes for the administrators, development of supervisory expertise in the resource institutions like the SCERT and DIET etc. It also calls for provision of incentives like supply of aids, appliances, text books and free uniforms.

The present scenario

4.3.3 The population of the educatable handicapped in the 5-14 year age group has been estimated as follows:

Locomotor	12.20 lakhs
Visual disability	1.27 lakhs
Hearing disability	5.35 lakhs
Speech disability	7.44 lakhs
Mentally Retarded	(No reliable estimates)

- As of now, there are about 280 schools for the deaf covering 28,000 students, the earliest one having been started in 1885. The majority of the special schools teach upto the primary level while some teach upto middle level. There are also schools which teach upto the high school level mostly for children with residual hearing capacity. There are about 200 schools for the visually handicapped covering about 15,000 students.

- The percentage of enrolment of the handicapped children to total children at the elementary stage at present is 0.07%. This reflects a serious neglect of education of the handicapped over the last four decades.

The reasons for the low coverage of handicapped children in education are the following:

* Education of the handicapped is viewed as a social welfare activity.

* Child to child help leading to sensitizasion of the future generation, child to parent help for community sensitizasion and special and general pedagogy reinforcement were missed out.

* Most of the special centres for the handicapped are located in metropolitan cities and urban centres. The non-government organisations barring a few exceptions have not significantly come to operate at district or sub-district levels. Reportedly, 215 districts in the country do not have special schools for any disability though there are over 1000 documented special schools.

* The scheme of Integrated Education for Disabled Children which was conceptualised by the Department of Social Welfare in 1974 was implemented for several years in terms of running 'Mini Special Schools' within general schools. The reason was that there was no provision for sensitization and involvement of all the teachers.

ommittee's perspective

3.4 It should be stated to the credit of NPE 1986 that rovision for education of the handicapped was mentioned under he part relating to equal educational opportunities. For the irst time, because of this Policy stipulation, education epartments were put in the right perspective of having to treat ducation of the handicapped as their legitimate function. It is lso to the credit of the Policy that it mentioned about the ainstreaming of the education of the handicapped and about eacher training. The forthright statement of NPE regarding nvolvement of voluntary agencies, significantly opened up mplementation of integrated education of the disabled children o non-government organisations. However, the NPE, so far as it elates to education of the handicapped, is inadequate in the ollowing respects:

* It has not stressed the mobilisation of the total general education system for the education of the handicapped.

* Special schools have been treated in isolation from other educational institutions from the point of view of providing the educational supervisory infrastructure, leaving it to the Ministries of Welfare and HRD to co-operatively develop the same.

The merit of the POA is in its call for establishment of special schools at district and sub-district levels curriculum development apart from provision of infrastructural facilities; and specific target setting for universal primary education of the handicapped. While special schools for the education of those with severe handicaps are rightly emphasised by the POA, they have not laid emphasis on multiple delivery of services in special schools. While single disability mode is required for research, development and rehabilitation work, for delivery of educational services, multi-service mode in special schools should be given importance. This is particularly so because doctors, dispensaries, public health centres and development functionaries are multi-purpose in nature. The POA has not also called for redefinition of the role of the special schools. Alternative modes of educational provision have not been mentioned.

Post - policy implementation

4.3.5 The Department of Education has been implementing a scheme for the integrated education of the disabled under which 100% assistance is given to the States. The scheme is at present being implemented in nineteen States and UTs. The annual provision under the scheme is of the order of Rs. 2 crores and as of now 20,000 children are being covered. Assistance provided to the States under the scheme is expected to be utilised to provide for salaries and incentives for teachers, setting up resource rooms, carrying out assessment of handicapped children, training of teachers, provision of instructional material, etc.

Future strategy

4.3.6 Having comprehensively taken into account, the problems faced in providing education for the handicapped with reference to their special and diversified needs, and having studied the history of implementation of the educational programmes for the handicapped, the Committee would give the following recommendations:

Recommendations

(i) People should be made aware of the problems of the handicapped, in terms of the magnitude and types of handicaps. The media should be effectively used for this purpose.

(ii) Every family with a handicapped child should be provided support through incentives, dialogue and periodic training and evaluation. Parents' groups and community education groups should be formed.

(iii) The educational system for the handicapped should

be flexible. It should offer a range of education provisions - special schools for those who cannot be educated in general schools, special classes in general schools, and integrated education for the disabled of the type already in existence. Education should be through different options - formal, non-formal, open schools, home day schools, vocational centres etc.

(iv) Educational packages should be offered for hearing impaired children in a differentiated way -

* Pure orally oriented programmes for profoundly deaf children.

* Combined oral-manual programmes for some of the profoundly deaf children for the education of whom pure oral programmes will not be adequate.

* Segregated programmes for those children for whom such programmes are essential.

* Integrated programmes for those whom this modality promises better emotive, cognitive, social and linguistic development.

(v) For making the boys and girls of impaired hearing economically independent, vocational training has to be specially organised. Vocational training which is job-oriented and matched to the abilities and aptitudes of the hearing impaired, should be organised in a significantly diversified way making a departure from the earlier practice of confining to a limited number of vocational training programmes like in drawing, painting, tailoring, knitting, embroidery, book-binding, etc. These diversified courses also relate to industrial operations such as sheet metal works, printing, turning, fitting, welding, electrician's trade, carpentry, etc.

(vi) Bharati Braille has been developed, thanks, inter alia, to the special effort made by the National Institute for the Visually Handicapped. Based on this, teacher training and book production programmes have also been launched. These production programmes should be intensified by their scales of operation being enlarged and diversified to cover wide range of subjects and in-school and out-of school needs.

(vii) While work has been initiated for development of Braille notations for mathematics and science, not much progress has been made. On account of the

growing emphasis on science and mathematics teaching, a comprehensive and effective code for use in the area of mathematics and science should be developed.

(viii) For the moderately mentally retarded, special curricula should be developed and standardised - not merely for the purpose of basic education in 3 R's but for training in self-care skills like motor integration, perceptual and motor skills, language, communication and conceptual skills. It should be clearly understood that for the mentally handicapped, academic achievements are relatively unimportant in comparison to social adaptation and vocational training.

(ix) Vocational schools for the mentally retarded adults are not too many. For their benefit jobs in sheltered workshops, farms and industries should be provided as they are not capable of receiving open employment. The idea is that after receiving training they can work on sub-contract basis.

(x) In pre-service teacher training programme, education of the handicapped, should be made part and parcel of the pedagogy and methodology.

(xi) A programme of sensitization should be implemented for in-service teachers as well.. This should include various components, namely, Non-Formal Education, vocationalisation of education and distance education.

(xii) Teachers' training colleges should have special courses for teaching the handicapped children; a special component on the education of the handicapped should be included in the B.Ed courses as well.

(xiii) At least one resource faculty should be provided in each DIET to provide teacher training inputs in the context of education for the handicapped.

(xiv) The role of the special schools should be clearly redefined as spelt out below:

i) Early identification of children with handicaps and formulation of stimulation programmes for them and the community in their catchment areas;

ii) Education of the handicapped children who cannot be educated in general schools upto the point when they can be integrated - thus

cannot be educated in general schools upto the point when they can be integrated - thus breaking the insulation between the general and special schools.

iii) Service as resource agencies for implementing the integrated education programmes in general schools so that they feel as a part and parcel of the educational system.

iv) Bringing about mutual reinforcement of the pedagogies of special and general education.

(xv) A lot of development is taking place in the application of technology for the benefit of the handicapped. Several technological aids are already available like for example, Brailleix produced by Federal Republic of Germany which facilitates recording of whole encyclopaedia on cassettes, printing conversion devices like 'tactacon' which facilitates presentation of printed material in vibro-tactile form so as to enable the blind persons to read, devices facilitating mobility of the blind persons etc. The technologies and techno-aids available for meeting the special needs of the handicapped children should be reviewed and measures for dissemination of information should be formulated.

(xvi) Sustained researches should be undertaken to determine the needs of the physically handicapped and produce technological aids capable of helping in overcoming handicaps. The Indian Institute of Technology and other technological institutions in the area of higher education should be given specific responsibilities for undertaking these researches.

The Three 'C' Model

The Three 'C' model has been developed in Kerala by the Central Institute & Information Centre of Mental Retardation, Trivandrum, for the education of the disabled. The features of this model are:

- Imparting education through a sense for shapes (rectangle, circle, triangle etc.)
- An understanding that recognition of shapes is a pre-alphabet experience (for a child which sees the mother, the forehead is a rectangle, eyes are circles and nose is a triangle).
- Motor, psycho-social, language and cognitive skills are developed through the medium of shapes. (For this purpose, instruction is imparted on building figures with shapes; e.g. a triangle placed over a square will signify a house).
- Use of equipment/materials like scissors, paper, spanners etc. for exercises in building shapes. (This facilitates development of coordination skills and skills for recognition of articles).
- Development of skills through seeing, perceiving and smelling.
- The whole system of education of the handicapped through this modality ultimately results in building up of comprehension, competency and creativity. Hence the nomenclature 'Three C Model'.

This model has been applied in Kerala since 1980 in about 50 centres for the education of the handicapped; 2000 children have been benefitted, 400 teachers oriented and 10,000 families reached.

Section D : Common School System

4.4.1 In the context of establishing the National System of Education, the NPE states that effective measures will be taken in the direction of the Common School System recommended in the 1968 Policy. The implication of having the Common School System has been stated by the Policy to be gaining of access to education of a comparable quality by all students irrespective of caste, creed, location or sex.

4.4.2 The POA, however, does not spell out any modalities or action programme for bringing the Common School System into existence.

4.4.3 The CABE Committee on Common School System under the Chairmanship of Prof. D.S. Kothari, however, has examined the matter and given a report. This report calls for promotion of neighbourhood schools, qualitative improvement of education in the public sector, identification of target areas and establishment of a National Coucil for common schools with State Education Ministers, educationists, voluntary organisations, Planning Commission and Directors of NIEPA & NCERT and M.Ps.

4.4.4 According to the Education Commission, 1964-66 which originally advocated the concept, the Common School System of public education has the following features:

- It will be open to all children irrespective of social, economic and other differences.
- Access to education will depend on talent.
- Adequate standards would be maintained.
- No tuition fee would be charged.
- The average parent would not ordinarily feel the need of sending his children to expensive schools outside the system.

4.4.5 The National Policy on Education 1968 had accepted the recommendation of the Education Commission for bringing about the Common School System.

4.4.6 Common School System of education has been prevalent in the USSR, the USA and certain European countires in some form or the other.

4.4.7 The reasons why the Common School System has not gaine ground so far are the following;

- Economic and social disparities; the well-to-d communities send their children to schools with bette infrastructure, teachers and teaching standards ordinary schools are not sought after; and in tur results in low investments in them.

- The constitutional protection given to the minoritie to establish and administer their own educationa institutions etc. does not go with the concept of th Common School System.

- In Government schools, the quality of education ha remained poor.

- Lack of political will.

- Public schools, privately managed English medi schools, schools charging capitation fees and thos having expensive coaching classes have proliferated.

- Growth of institutions in the Government sector lik the Sainik Schools and Kendriya Vidyalayas meant fo separate categories of students.

4.4.8 The first step in securing equity and social justice i education is the building up of a Common School System. Specifi actions required in this context are the following:

Recommendations

- Provision of significantly increased outlay f elementary (particularly primary) education. Th would help in the building up of the required levels infrastructure and quality of education, there transforming Government, local-body and aided schoo into genuine Neighbourhood Schools.

- Provision of special allocations for improvement school system in backward areas, urban slums, trib areas, hilly tracts, desert and marshy areas, droug and flood-prone zones, coastal belts and islands.

- Ensuring instruction for all in the medium of moth tongue at the primary level, particularly f linguistic minorities; active encouragement teaching in the regional languages at the seconda level; and discontinuance of State aid to the scho imparting education otherwise than in the medium mother tongue/regional languages.

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Phased implementation of the Common School System within a ten year time frame; and essential minimum legislation, particularly to dispense with early selection process, tuition fee, capitation fee etc.

Exploring ways of including the expensive private schools into the Common School System through a combination of incentives, disincentives and legislation.

ANNEXURE VI

V

(A)

रजिस्ट्री सं० डी० एल० - 33004/96

REGISTERED No. DL-33004/96

भारत का राजपत्र
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नई दिल्ली, सोमवार, जनवरी 1, 1996/ पौष 11,1917
New Delhi, Monday, January 1, 1996/Pausa 11,1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि वह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 1st January, 1996/Pause 11,1917 (Saka)

The following Act of Parliament received the assent of the President on the 1st January, 1996, and is hereby published for general information :-

THE PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS AND FULL PARTICIPATION) ACT, 1995

No. 1 OF 1996

(1st January, 1996)

An Act to give effect to the Proclamation on the Full Participation and Equality of the People with Disabilities in the Asian and Pacific Region.

WHEREAS the Meeting to Launch the Asian and Pacific Decade of Disabled Persons 1993-2002 convened by the Economic and Social Commission for Asia and Pacific held at Beijing on 1st to 5th December, 1992, adopted the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region ;

AND WHEREAS India is a signatory to the said Proclamation;

AND WHEREAS it is considered necessary to implement the Proclamation aforesaid.

Be it enacted by Parliament in the Forty-sixth Year of the Republic of India as follows :–

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. *(1)* This Act may be called the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires, —

(a) "appropriate Government" means, —

(i) in relation to the Central Government or any establishment/holly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonment Act, 1924, the Central Government; 2 of 1924

(ii) in relation to a State Government or any establishment wholly or substantially financed by that Government, or any local authority other than a Cantonment Board, the State Government;

(iii) in respect of the Central Coordination Committee and the Central Executive Committee, the Central Government;

(iv) in respect of the State Coordination Committee and the State Executive Committee, the State Government;

(b) "blindness" refers to a condition where a person suffers from any of the following conditions, namely :—

(i) total absence of sight; or

(ii) visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses ; or

(iii) limitation of the field of vision subtending an angle of 20 degree or worse ;

(c) "Central Coordination Committee" means the Central Coordination Committee constituted under sub-section *(1)* of section 3;

(d) "Central Executive Committee" means the Central Executive Committee constituted under sub-section *(1)* of section 9;

(e) "Cerebral palsy" means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development;

(f) "Chief Commissioner" means the Chief Commissioner appointed under sub-section (1) of section 57;

(g) "Commissioner" means the Commissioner appointed under sub-section *(1)* of section 60;

(h) "Competent authority" means the authority appointed under section 50;

(i) "disability" means —

(i) blindness;

(ii) low vision;

(iii) leprosy - cured;

(iv) hearing impairment;

(v) locomotor disability;

(vi) mental retardation;

(vii) mental illness;

(j) "employer" means,—

(i) in relation to a Government, the authority notified by the Head of the Department in this behalf or where no such authority is notified, the Head of the Department; and

(ii) in relation to an establishment, the Chief Executive Officer of that establishment ;

(k) "Establishment" means a corporation established by or-under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 617 of the Companies Act, 1956 and includes Departments of a Government ;

1 of 1956

(l) "hearing impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies ;

(m) "institution for persons with disabilities" means an institution for the reception, care, protection, education, training, rehabilitation or any other service of persons with disabilities;

(n) "leprosy cured person" means any person who has been cured of leprosy but is suffering from —

(i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(iii) extreme physical deformity as well as advanced age which prevents him from undertaking any gainful occupation, and the expression "Leprosy Cured" shall be construed accordingly;

(o) "locomotor disability" means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy;

(p) "medical authority" means any hospital or institution specified for the purposes of this Act by notification by the appropriate Government;

(q) "mental illness" means any mental disorder other than mental retardation;

(r) "mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterised by subnormality of intelligence;

(s) "notification" means a notification published in the Official Gazette;

(t) "person with disability" means a person suffering from not less than forty percent of any disability as certified by a medical authority;

(u) "person with low vision" means a person with impairment of visual functioning even after treatment of standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device;

(v) "prescribed" means prescribed by rules made under this Act;

(w) "rehabilitation" refers to a process aimed at enabling persons with disabilities to reach and maintain their optimal physical, sensory, intellectual, psychiatric or social functional levels;

(x) "Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, respecting —

(i) persons who seek to engage employees from amongst the persons suffering from disabilities;

(ii) persons with disability who seek employment;

(iii) vacancies to which person with disability seeking employment may be appointed;

(y) "State Coordination Committee" means the State Coordination Committee constituted under sub-section *(1)* of section 13;

(z) "State Executive Committee" means the State Executive Committee constituted under sub--section *(1)* of section 19.

CHAPTER II

THE CENTRAL COORDINATION COMMITTEE

Central Coordination Committee.

3. *(1)* The Central Government shall by notification constitute a body to be known as the Central Coordination Committee to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Central Coordination Committee shall consist of —

(a) the Minister in charge of the Department of Welfare in the Central Government, Chairperson, *ex officio*;

(b) the Minister of State in-Charge of the Department of Welfare in the Central Government, Vice-Chairperson, *ex officio*;

(c) Secretaries to the Government of India in-charge of the Department of Welfare, Education, Woman and Child Development, Expenditure, Personnel, Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Legal Affairs, Public Enterprises, Members, *ex officio*;

(d) Chief Commissioner, Member, *ex officio*;

(e) Chairman Railway Board, Member, *ex officio*;

(f) Director - General of Labour, Employment and Training, Member, *ex officio*;

(g) Director, National Council for Educational Research and Training, Member, *ex officio*;

(h) three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States, Members;

(i) three persons to be nominated by the Central Government to represent the interests, which in the opinion of that Government ought to be represented, Members;

(j) Directors of the —

(i) National Institute for the Visually Handicapped, Dehradun;

(ii) National Institute for the Mentally Handicapped, Secundrabad;

(iii) National Institute for the Orthopedically Handicapped, Calcutta;

(iv) Ali Yavar Jung National Institute for the Hearing Handicapped, Mumbai;
Members, *ex officio*;

(k) four Members to be nominated by the Central Government by rotation to represent the States and the Union Territories in such manner as may be prescribed by the Central Government;

Provided that no appointment under this clause shall be made except on the recommendation of the State Government or, as the case may be, the Union Territory;

(l) five persons as far as practicable, being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities, to be nominated by the Central Government, one from each area of disability, Members :

Provided that while nominating persons under this clause, the Central Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(m) Joint Secretary to the Government of India in the Ministry of Welfare dealing with the welfare of the handicapped, Member - Secretary, *ex officio*;

(3) The office of the Member of the Central Coordination Committee shall not disqualify its holder for being chosen as or for being a Member of either House of Parliament.

Term of office of Members.

4. *(1)* Save as otherwise provided by or under this Act a Member of Central Coordination Committee nominated under clause *(i)* or clause *(l)* of sub-section *(2)* of section 3 shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The term of office of an *ex officio* Member shall come to an end as soon as he ceases to hold the office by virtue of which he was so nominated.

(3) The Central Government may if it thinks fit remove any Member nominated under clause (i) or clause (l) of sub-section (2) of section 3, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(4) A Member nominated under clause (i) or clause (l) of sub-section (2) of section 3 may at any time resign his office by writing under his hand, addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

(5) A casual vacancy in the Central Coordination Committee shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(6) A member nominated under clause *(i)* or clause *(l)* of sub-section *(2)* of section 3 shall be eligible for renomination.

(7) Members nominated under clause *(i)* and clause *(l)* of sub-section *(2)* of section 3 shall receive such allowances as may be prescribed by the Central Government.

Disqualifications

5. *(1)* No person shall be a Member of the Central Coordination Committee, who —

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is or has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or

(d) is or at any time has been convicted of an offence under this Act, or

(e) has so abused in the opinion of the Central Government his position as a Member as to render his continuance in the Central Coordination Committee detrimental to the interests of the general public.

(2) No order of removal shall be made by the Central Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Not withstanding anything contained in sub-section *(1)* or sub-section *(6)* of section 4, a Member who has been removed under this section shall not be, eligible for renomination as a Member.

Vacation of seats by Members.

6. If a Member of the Central Coordination Committee becomes subject to any of the disqualifications specified in section 5, his seat shall become vacant.

Meetings of the Central Coordination Committee.

7. The Central Coordination Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the Central Government.

Functions of the Central Coordination Committee.

8. *(1)* Subject to the provisions of this Act, the function of the Central Coordination Committee shall be to serve as the national focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving the problems faced by persons with disabilities.

(2) In particular and without prejudice to the generality of the foregoing, the Central Coordination Committee may perform all or any of the following functions, namely :—

(a) review and coordinate the activities of all the Departments of Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to persons with disabilities.

(b) develop a national policy to address issues faced by persons with disabilities :

(c) advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to disability;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the disabled in the national plans and other programmes and policies evolved by the international agencies;

(e) review in consultation with the donor agencies their funding policies from the perspective of their impact on persons with disabilities;

(f) take such other steps to ensure barrier free environment in public places, work places, public utilities, schools and other institutions;

(g) monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;

(h) to perform such other functions as may be prescribed by the Central Government.

Central Executive Committee.

9. *(1)* The Central Government shall constitute a Committee to be known as the Central Executive Committee to perform the functions assigned to it under this Act.

(2) The Central Executive Committee shall consist of —

(a) the Secretary to the Government of India in the Ministry of Welfare, Chairperson, *ex officio*;

(b) the Chief Commissioner, Member, *ex officio*;

(c) the Director – General for Health Services, Member, *ex officio*;

(d) the Director – General, Employment and Training, Member, *ex officio*;

(e) six persons not below the rank of a Joint Secretary to the Government of India, to represent the Ministries or Departments of Rural Development, Education, Welfare, Personnel Public Grievances and Pension, Urban Affairs and Employment, Science and Technology, Members, *ex officio*;

(f) the Financial Advisor, Ministry of Welfare in the Central Government, Member, *ex officio*;

(g) Advisor (Tariff) Railway Board, Member, *ex officio*;

(h) four members to be nominated by the Central Government, by rotation, to represent the State Governments and the Union Territories in such manner as may be prescribed by the Central Government;

(i) one person to be nominated by the Central Government to represent the interest, which in the opinion of the Central Government ought to be represented, Member;

(j) five persons, as far as practicable, being persons with disabilities, to represent non-governmental organisation or associations which are concerned with disabilities, to be nominated by the Central Government, one from each area of disability, Members.

Provided that while nominating persons under this clause, the Central Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(k) Joint Secretary to the Government of India in the Ministry of Welfare dealing with the welfare of the handicapped, Member - Secretary, *ex officio*.

(3) Members nomiated under clause (i) and clause (j) of sub-section (2) shall receive such allowances as may be prescribed by the Central Government;

(4) A Member nominated under clause (i) or clause (j) of sub-section (2) may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

Functions of the Central Executive Committee.

10. (1) The Central Executive Committee shall be the executive body of the Central Coordination Committee and shall be responsible for carrying out the decisions of the Central Coordination Committee,

(2) Without prejudice to the provisions of sub-section (1), the Central Executive Committee shall also perform such other functions as may be delegated to it by the Central Coordination Committee.

Meetings of the Central Executive Committee.

11. The Central Executive Committee shall meet at least once in three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the Central Government.

Temporary association of persons with Central Executive Committee for particular purposes.

12. (1) The Central Executive Committee may associate with itself in such manner and for such purposes as may be prescribed by the Central Government any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the Central Executive Committee under sub-section (1) for any purpose snall have the right to take part in the discussions of the Central Executive Committee relevant to that purpose, but shall not have a right to vote at a meeting of the said Committee, and shall not be member for any other purpose.

(3) A person associated with the said Committee under sub-section *(1)* for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the said Committee, as may be prescribed by the Central Government.

CHAPTER III

THE STATE COORDINATION COMMITTEE

State Coordination Committee.

13. *(1)* Every State Government shall, by notification, constitute a body to be known as the State Coordination Committee to exercise the powers conferred on, and to perform the function assigned to it, under this Act.

(2) the State Coordination Committee shall consist of —

(a) The Minister in - charge of the Department of Social Welfare in the State Government, Chairperson, *ex officio*;

(b) the Minister of State in - charge of the Department of Social Welfare, if any, Vice-Chairperson, *ex-officio*;

(c) Secretaries to the State Government in-charge of the Departments of Welfare, Education, Woman and Child Development, Expenditure, Personnel Training and Public Grievances, Health, Rural Development, Industrial Development, Urban Affairs and Employment, Science and Technology, Public Enterprises, by whatever name called, Members, *ex officio*;

(d) Secretary of any other Department which the State Government considers necessary, Members, *ex officio*;

(e) Chairman Bureau of Public Enterprises (by whatever name called) Member, *ex officio*;

(f) five persons, as far as practicable, being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities, to be nominated by the State Government, one from each area of disability, Members;

Provided that while nominating persons under this clause, the State Government shall nominate at least one women and one person belonging to Scheduled Castes or Scheduled Tribes;

(g) three Members of State Legislature, of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any;

(h) three persons to be nominated by that State Government to represent agriculture, industry or trade or any other interest, which in the opinion of State Government ought to be represented, Members, *ex officio*;

(i) the Commissioner, Member, *ex officio*;

(j) Secretary to the State Government dealing with the welfare of the handicapped, Member - Secretary, *ex officio*.

(3) Notwithstanding anything contained in this section, no State Coordination Committee shall be constituted for a Union Territory and in relation to a Union Territory, the Central Coordination Committee shall exercise the functions and perform the functions of a State Coordination Committee for the Union Territory:

Provided that in relation to a Union Territory, the Central Coordination Committee may delegate all or any of its powers and functions as under this sub-section to such person or body of persons as the Central Government may specify.

Terms and conditions of service of Members.

14. *(1)* Save as otherwise provided by or under this Act, a Member of a State Coordination Committee nominated under clause *(f)* or clause *(h)* of sub-section *(2)* of section 13 shall hold office for a term of three years from the date of his nomination :

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The term of office of an *ex officio* Member shall come to an end as soon as he ceases to hold the office by virtue of which he was so nominated.

(3) The State Government may, if it thinks fit, remove any Member nominated under clause *(f)* or clause *(h)* of sub-section *(2)* of section 13 before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(4) A Member nominated under clause *(f)* or clause *(h)* of sub-section *(2)* of section 13 may at any time, resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

(5) A casual vacancy in the State Coordination Committee shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(6) A Member nominated under clause (f) and clause (h) of sub-section (2) of section 13 shall be eligible for renomination.

(7) Members nominated under clause (f) and clause (h) of sub-section (2) of section 13 shall receive such allowances as may be prescribed by the State Government.

Disqualifications.

15. *(1)* No person shall be a Member of the State Coordination Committee, who —

(a) is, or at any time, has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is or has been convicted of an offence which in the opinion of the State Government involves moral turpitude, or

(d) is or at any time has been convicted of an offence under this Act, or

(e) has so abused, in the opinion of the State Government, his position as a member as to render his continuance in the State Coordination Committee detrimental to the interests of the general public.

(2) No order of removal shall be made by the State Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (6) of section 14, a Member who has been removed under this section shall not be eligible for renomination as a Member.

Vacation of seats.

16. If a Member of the State Coordination Committee becomes subject to any of the disqualifications specified in section 15, his seat shall become vacant.

Meetings of the State Coordination Committee.

17. The State Coordination Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

Functions of the State Coordination Committee.

18. *(1)* Subject to the provisions of this Act, the function of the State Coordination Committee shall be to serve as the state focal point on disability matters and facilitate the continuous evolution of a comprehensive policy towards solving the problems faced by persons with disabilities.

(2) In particular and without prejudice to the generality of the foregoing function the State Coordination Committee may, within the State perform all or any of the following functions, namely : —

(a) review and coordinate the activities of all the Departments of Government and other Governmental and non-governmental Organisations which are dealing with matters relating to persons with disabilities;

(b) develop a State policy to address issues faced by persons with disabilities;

(c) advise the State Government on the formulation of policies, programmes, legislation and projects with respect to disability;

(d) review, in consultation with the donor agencies, their funding policies from the perspective of their impact on persons with disabilities;

(e) take such other steps to ensure barrier free environment in public places, work places, public utilities, schools and other institutions;

Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(f) monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;

(g) to perform such other functions as may be prescribed by the State Government;

State Executive Committee.

19. *(1)* The State Government shall, constitute a committee to be known as the State Executive Committee to perform the functions assigned to it under this Act.

(2) The State Executive Committee shall consist of —

(a) the Secretary, Department of Social Welfare, Chairperson, *ex officio*;

(b) the Commissioner, Member, *ex officio*;

(c) nine persons not below the rank of a Joint Secretary to the State Government, to represent the Departments of Health, Finance, Rural Development, Education, Welfare, Personnel Public Grievances, Urban Affairs, Labour and Employment, Science and Technology, Members ex officio;

(d) one person to be nominated by the State Government to represent the interest, which in the opinion of the State Government ought to be represented, Member;

(e) five persons, as far as practicable being persons with disabilities, to represent non-governmental organisations or associations which are concerned with disabilities, to be nominated by the State Government, one from each area of disability, Members;

Provided that while nominating persons under this clause, the State Government shall nominate at least one woman and one person belonging to Scheduled Castes or Scheduled Tribes;

(f) Joint Secretary dealing with the disability division in the Department of Welfare, Member - Secretary, *ex officio*;

(3) Members nominated under clause (*d*) or clause (*e*) of sub-section (2) shall receive such allowances as may be prescribed by the State Government.

(4) A Member nominated under clause (*d*) or clause (*e*) may at any time resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

Functions of the State Executive Committee.

20. *(1)* The State Executive Committee shall be the executive body of the State Coordination Committee and shall be responsible for carrying out the decisions of the State Coordination Committee.

(2) Without prejudice to the provisions of sub-section *(1)* the State Executive Committee shall also perform such other function as may be delegated to it by the State Coordination Committee.

Meetings of the State Executive Committee.

21. The State Executive Committee shall meet at least once in three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government.

Temporary association of persons with State Executive Committee for particular purposes.

22. *(1)* The State Executive Committee may associate with itself in such manner and for such purposes as may be prescribed by the State Government any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the State Executive Committee under sub-section *(1)* for any purpose shall have the right to take part in the discussions of the State Executive Committee relevant to that purpose, but shall not have a right to vote at a meeting of the said Committee and shall not be a member for any other purpose.

(3) A persons associated with the said Committee under sub-section *(1)* for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the said Committee, as may be prescribed by the State Government.

Power to give directions

23. In the performance of its functions under this Act,—

(a) the Central Coordination Committee shall be bound by such directions in writing, as the Central Government may give to it; and

(b) the State Coordination Committee shall be bound by such directions in writing, as the Central Coordination Committee or the State Government may give to it:

Provided that where a direction given by the State Government is inconsistent with any direction given by the Central Coordination Committee, the matter shall be referred to the Central Government for its decision.

Vacancies not to invalidate proceedings.

24. No act or proceeding of the Central Coordination Committee, the Central Executive Committee, a State Coordination Committee or a State Executive Committee shall be called in question on the ground merely on the existence of any vacancy in or any defect in the constitution of such Committees;

CHAPTER IV

PREVENTION AND EARLY DETECTION OF DISABILITIES

Appropriate Governments and local authorities to take certain steps for the prevention of occurrence of disabilities.

25. Within the limits of their economic capacity and development, the appropriate Governments and the local authorities, with a view to preventing the occurrence of disabilities, shall—

(a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities.

(b) promote various methods of preventing disabilities;

(c) screen all the children at least once in a year for the purpose of identifying "at-risk" cases;

(d) provide facilities for training to the staff at the primary health centres;

(e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;

(f) take measures for pre-natal, perinatal and post-natal care of mother and child;

(*g*) educate the public through the pre-schools, schools, primary health centres, village level workers and anganwadi workers;

(*h*) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted;

CHAPTER V
EDUCATION

Appropriate Governments and local authorities to provide children with disabilities free education etc.

26. The appropriate Governments and the local authorities shall —

(*a*) ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years;

(*b*) endeavour to promote the integration of students with disabilities in the normal schools;

(*c*) promote setting up of special schools in Government and private sector for those in need of special education, in such a manner that children with disabilities living in any part of the country have access to such schools;

(*d*) endeavour to equip the special schools for children with disabilities with vocational training facilities;

Appropriate Governments and local authorities to make schemes and programmes for non-formal education etc.

27. The appropriate Governments and the local authorities shall by notification make schemes for —

(*a*) conducting part-time classes in respect of children with disabilities who having completed education up to class fifth and could not continue their studies on a whole - time basis;

(*b*) conducting special part-time classes for providing functional literacy for children in the age group of sixteen and above;

(*c*) imparting non-formal education by utilizing the available manpower in rural areas after giving them appropriate orientation;

(*d*) imparting education through open schools or open universities;

(*e*) conducting class and discussions through interactive electronic or other media;

(*f*) providing every child with disability, free of cost special books and equipment needed for his education.

Research for designing and developing new assistive devices, teaching aids etc.

28. The appropriate Governments shall initiate or cause to be initiated research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching material or such other items as are necessary to give a child with disability equal opportunities in education.

Appropriate Governments to set up, teachers' training institutions to develop trained manpowre for schools for children with disabilities.

29. The appropriate Governments shall set up adequate number of teachers' training institutions and assist the national institutes and other voluntary organisations to develop teachers' training programmes specialising in disabilities so that requisite trained manpower is available for special schools and integrated schools for children with disabilities.

Appropriate Governments to prepare a comprehensive education scheme providing for transport facilities, supply of books etc.

30. Without prejudice to the foregoing provisions, the appropriate Governments shall by notification prepare a comprehensive education scheme which shall make provision for —

(a) transport facilities to the children with disabilities or in the alternative financial incentives to parents to guardians to enable their children with disabilities to attend schools;

(b) the removal of architectural barriers from schools, colleges or other institutions imparting vocational and professional training;

(c) the supply of books, uniforms and other materials to children with disabilities attending school;

(d) the grant of scholarship to students with disabilities;

(e) setting up of appropriate fora for the redressal of grievances of parents regarding the placement of their children with disabilities;

(f) suitable modification in the examination system to eliminate purely mathematical questions for the benefit of blind students and students with low vision;

(g) restructuring of curriculum for the benefit of children with disabilities;

(h) restructuring the curriculum for benefit of students with hearing impairment to facilitate them to take only one language as part of their curriculum.

Educational institutions to provide amanuensis to students with visual handicap.

31. All educational institutions shall provide or cause to be provide amanuensis to blind students and students with or low vision.

CHAPTER VI
EMPLOYMENT

Identification of posts which can be reserved for persons with disabilities.

32. Appropriate Governments shall—

(a) identify posts in the establishments which can be reserved for the persons with disability;

(b) at periodical intervals not exceeding three years, review the list of posts identified and up-date the list taking into consideration the developments in technology.

Reservation of posts.

33. Every appropriate Government shall appoint in every establishment such percent-age of vacancies not less than three per cent. for persons or class of persons with disability of which one per cent each shall be reserved for persons suffering from—

(i) blindness or low vision;

(ii) hearing impairment;

(iii) locomotor disability or cerebral palsy, in the posts identified for each disability.

Provided, that the appropriate Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in suchnotification, exempt any establishment from the provisions of this section.

Special Employment Exchange.

34. *(1)* The appropriate Government may, by notification, require that from such date as may be specified, by notification, the employer in every establishment shall furnish such information or return as may be prescribed in relation to vacancies appointed for persons with disability that have occurred or are about to occur in that establishment to such Special Employment Exchange as may be prescribed and the establishment shall thereupon comply with such requisition.

(2) The form in which and the intervals of time for which information or returns shall be furnished and the particulars, they shall contain shall be such as may be prescribed.

Power to inspect record or document in possession of any establishment.

35. Any person authorised by the Special Employment Exchange in writing, shall have access to any relevant record or document in the possession of any establishment and may enter at any reasonable time and premises where he believes such record or document to be, and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information.

Vacancies not filled up to be carried forward.

36. Where in any recruitment year any vacancy under Section 33, cannot be filled up due to non-availability of a suitable person with disability or, for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with disability is not available, it may first be filled by interchange among the three categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person can not be employed, the vacancies may be interchanged among the three categories with the prior approval of the appropriate Government.

Employers to maintain records.

37. *(1)* Every employer shall maintain such record in relation to the person with disability employed in his establishment in such form and in such manner as may be prescribed by the appropriate Government.

(2) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in this behalf by general or special order by the appropriate Government.

Schemes for ensuring employment of persons with disabilities.

38. *(1)* The appropriate Governments and local authorities shall by notification formulate schemes for ensuring employment of persons with disabilities, and such schemes may provide for—

(a) the training and welfare of persons with disabilities;

(b) the relaxation of upper age limit;

(c) regulating the employment;

(d) health and safety measures and creation of a non-handicapping environment in places where persons with disabilities are employed;

(e) the manner in which and the persons by whom the cost of operating the schemes is to be defrayed; and

(f) constituting the authority responsible for the administration of the scheme.

All educational institutions to reserve seats for persons with disabilities.

39. All Government educational institutions and other educational institutions receiving aid from the Government, shall reserve not less than three per cent. seats for persons with disabilities.

Vacancies to be reserved in poverty alleviation schemes.

40. The appropriate Governments and local authorities shall reserve not less than three per cent in all poverty alleviation schemes for the benefit of persons with disabilities.

41. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide incentives to employers both in public and private sectors to ensure that at least five per cent of their work force is composed of persons with disabilities.

Incentives to employers to ensure five percent of the work force is composed of persons with disabilities.

CHAPTER VII
AFFIRMATIVE ACTION

42. The appropriate Governments shall by notification make schemes to provide aids and appliances to persons with disabilities.

Aids and appliances to persons with disabilities.

43. The appropriate Governments and local authorities shall by notification frame schemes in favour of persons with disabilities, for the preferential allotment of land at concessional rates for—

Schemes for preferntial allotment of land for certain purposes.

(a) house;

(b) setting up business;

(c) setting up of special recreation centres;

(d) establishment of special schools;

(e) establishment of research centres;

(f) establishment of factories by entrepreneurs with disabilities.

CHAPTER VIII
NON-DISCRIMINATION

44. Establishments in the transport sector shall, within the limits of their economic capacity and development for the benefit of persons with disabilities, take special measures to—

Non-discrimination in transport.

(a) adapt rail compartments, buses, vessels and aircrafts in such a way as to permit easy access to such persons;

(b) adapt toilets in rail compartments, vessels, aircrafts and waiting rooms in such a way as to permit the wheel chair users to use them conveniently.

45. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide for—

Non-discrimination in the road.

(a) installation of auditory signals at red lights in the public roads for the benefit of persons with visually handicap;

(b) causing curb cuts and slopes to be made in pavements for the easy access of wheel chair users;

(c) engraving on the surface of the zebra crossing for the blind or for persons with low vision;

(d) engraving on the edges of railway platform for the blind or for persons with low vision;

(e) devising appropriate symbols of disability;

(f) warning signals at appropriate places.

Non-discrimination in the built environment.

46. The appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide for—

(a) ramps in public buildings;

(b) adaptation of toilets for wheel chair users;

(c) braille symbols and auditory signals in elevators or lifts;

(d) ramps in hospitals, primary health centres and other medical care and rehabilitation institutions;

Non-discrimination in Government employment.

47. (1) No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service;

Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits;

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(2) No promotion shall be denied to a person merely on the ground of his disability;

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.

CHAPTER IX

RESEARCH AND MANPOWER DEVELOPMENT

Research

48. The appropriate Governments and local authorities shall promote and sponsor research, *inter alia*, in the following areas —

(a) prevention of disability;

(b) rehabilitation including community based rehabilitation;

(c) development of assistive devices including their psycho-social aspects;

(d) job identification;

(e) on site modification in offices and factories;

Financial incentives to Universities to enable them to undertake research.

49. The appropriate Governments shall provide financial assistance to universities, other institutions of higher learning, professional bodies and non-governmental research-units or institutions, for undertaking research for special education, rehabilitation and manpower development.

CHAPTER X

RECOGNITION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES

Competent authority.

50. The State Government shall appoint any authority as it deems fit to be a competent authority for the purposes of this Act.

No person to establish or maintain an institution for persons with disabilities except in accordance with a certificate of registration.

51. Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except under and in accordance with a certificate of registration issued in this behalf by the competent authority :

Provided that a person maintaining an institution for persons with disabilities immediately before the commencement of this Act may continue to maintain such institution for a period of six months from such commencement and if he has made an application for

such certificate under this section within the said period of six months, till the disposal of such application.

Certificate of registration.

52. *(1)* Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the State Government.

(2) On receipt of an application under sub-section *(1)*, the competent authority shall make such enquiries as it may deem fit and where it is satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder it shall grant a certificate of registration to the applicant and where it is not so satisfied the competent authority shall, by order, refuse to grant the certificate applied for :

Provided that before making any order refusing to grant a certificate the competent authority shall give to the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in such manner as may be prescribed by the State Government.

(3) No certificate of registration shall be granted under sub-section *(2)* unless the institution with respect to which an application has been made is in a position to provide such facilities and maintain such standards as may be prescribed by the State Government.

(4) A certificate of registration granted under this section,—

(a) shall, unless revoked under section 53, remain in force for such period as may be prescribed by the State Government.

(b) may be renewed from time to time for a like period; and

(c) shall be in such form and shall be subject to such conditions as may be prescribed by the State Government.

(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the period of validity.

(6) The certificate of registration shall be displayed by the institution in a conspicuous place.

Revocation of certificate.

53. *(1)* the competent authority may, if it has reasonable cause to believe that the holder of the certificate of registration granted under sub-section *(2)* of section 52 has—

(a) made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars; or

(b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted, it may, after making such inquiry, as it deems fit, by order, revoke the certificate :

Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate should not be revoked.

(2) Where a certificate in respect of an institution has been revoked under sub-section *(1)*, such institution shall cease to function from the date of such revocation:

Provided that where an appeal lies under section 54 against the order of revocation, such institution shall cease to function—

(a) where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal, or

(b) where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.

(3) On the revocation of a certificate in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be —

(a) restored to the custody of her or his parent, spouse or lawful guardian, as the case may be, or

(b) transferred to any other institution specified by the competent authority.

(4) Every institution which holds a certificate of registration which is revoked under this section shall, immediately after such revocation, surrender such certificate to the competent authority.

Appeal.

54. *(1)* Any person aggrieved by the order of the competent authority refusing to grant a certificate or revoking a certificate may, within such period as may be prescribed by the State Government, prefer an appeal to that Government against such refusal or revocation.

(2) The order of the State Government on such appeal shall be final.

Act not to apply to institutions established or maintained by the Central or State Government.

55. Nothing contained in this Chapter shall apply to an institution for persons with disabilities established or maintained by the Central Government or a State Government.

CHAPTER XI

INSTITUTION FOR PERSONS WITH SEVERE DISABILITIES

Institutions for persons with severe disabilities.

56. The appropriate Government may establish and maintain institutions for persons with severe disabilities at such places as it thinks fit.

(2) Where, the appropriate Government is of opinion that any institution other than an institution, established under sub-section *(1)*, is fit for the rehabilitation of the persons with severe disabilities, the Government may recognise such institution as an institution for persons with severe disabilities for the purposes of this Act:

Provided that no institution shall be recognised under this section unless such institution has complied with the requirements of this Act and the rules made thereunder.

(3) Every institution established under sub-section (1) shall be maintained in such manner and satisfy such conditions as may be prescribed by the appropriate Government.

(4) For the purposes of this section "person with severe disability" means a person with eighty per cent or more of one or more disabilities.

CHAPTER XII

THE CHIEF COMMISSIONER AND COMMISSIONERS FOR PERSONS WITH DISABILITIES

Appointment of Chief Commissioner for persons with disabilities.

57. *(1)* The Central Government may, by notification, appoint a Chief Commissioner for persons with disabilities for the purposes of this Act.

(2) A person shall not be qualified for appointment as the Chief Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chief Commissioner shall be such as may be prescribed by the Central Government.

(4) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other employees as it thinks fit.

(5) The officers and employees provided to the Chief Commissioner shall discharge their functions under the general superintendence of the Chief Commissioner.

(6) The salaries and allowances and other conditions of service of officers and employees provided to the Chief Commissioner shall be such as may be prescribed by the Central Government.

Functions of the Chief Commissioner.

58. The Chief Commissioner shall—

(a) coordinate the work of the Commissioners;

(b) monitor the utilisation of funds disbursed by the Central Government;

(c) take steps to safeguard the rights and facilities made available to persons with disabilities;

(d) submit reports to the Central Government on the implementation of the Act at such intervals as that Government may prescribe.

Chief Commissioner to look into complaints with respect to deprivation of rights of persons with disabilities.

59. Without prejudice to the provisions of section 58 the Chief Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to—

(a) deprivation of rights of persons with disabilities;

(b) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights or persons with disabilities, and take up the matter with the appropriate authorities.

Appointment of Commissioners for persons with disabilities.

60. *(1)* Every State Government may, by notification appoint a Commissioner for persons with disabilities for the purpose of this Act.

(2) A person shall not be qualified for appointment as a Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Commissioner shall be such as may be prescribed by the State Government.

(4) The State Government shall determine the nature and categories of officers and other employees required to assist the Commissioner in the discharge of his functions and provide the Commissioner with such officers and other employees as it thinks fit.

(5) The officers and employees provided to the Commissioner shall discharge their functions under the general superintendence of the Commissioner.

(6) The salaries and allowances and other conditions of service of officers and employees provided to the Commissioner shall be such as may be prescribed by the State Government.

Powers of the Commissioner.

61. The Commissioner within the State shall—

(a) coordinate with the departments of the State Government for the programmes and schemes for the benefit of persons with disabilities;

(b) monitor the utilisation of funds disbursed by the State Government;

(c) take steps to safeguard the rights and facilities made available to persons with disabilities;

(d) submit reports to the State Government on the implementation of the Act at such intervals as that Government may prescribe and forward a copy thereof to the Chief Commissioner.

Commissioner to look into complaints with respect to matters relating to deprivation of rights of persons with disabilities.

62. Without prejudice to the provisions of section 61 the Commissioner may of his own motion or on the application of any aggrieved person or otherwise look into complaints with respect to matters relating to—

(a) deprivation of rights of persons with disabilities;

(b) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights of persons with disabilities, and take up the matter with the appropriate authorities.

Authorities and officers to have certain powers of civil court.

63. *(1)* The Chief Commissioner and the Commissioners shall, for the purpose of discharging their functions under this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely :— 5 of 1908

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of any document;

(c) requisitioning any public record or copy thereof from any court or office;

(d) receiving evidence on affidavits; and

(e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the Chief Commissioner and Commissioners shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Chief Commissioner, the Commissioner, the competent authority, shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. 45 of 1860 2 of 1974

Annual report to be prepared by the Chief Commissioner.

64. *(1)* The Chief Commissioner shall prepare in such form and at such time for each financial year as may be prescribed by the Central Government an annual report giving a full account of his activities during the previous financial year and forward a copy thereof to the Central Government.

(2) The Central Government shall cause the annual report to be laid before each House of Parliament along with the recommendations explaining the action taken or proposed to be taken on the recommendation made therein so far as they relate to the Central Government and the reasons for non-acceptance, if any, of any such recommendation or part.

Annual reports to be prepared by the Commissioners.

65. *(1)* The Commissioner shall prepare in such form and at such time for each financial year as may be prescribed by the State Government an annual report giving a full account of his activities during the previous financial year and forward a copy thereof to the State Government.

(2) The State Government shall cause the annual report to be laid before each State Legislature along with the recommendations explaining the action taken or proposed to be taken on the recommendation made therein in so far as they relate to the State Government and the reasons for non-acceptance, if any, of any such recommendation or part.

CHAPTER XIII
SOCIAL SECURITY

Appropriate Governments and local authorities to undertake rehabilitation.

66. *(1)* The appropriate Governments and the local authorities shall within the limits of their economic capacity and development undertake or cause to be undertaken rehabilitation of all persons with disabilities.

(2) For purpose of sub-section *(1)*, the appropriate Governments and local authorities shall grant financial assistance to non-governmental organisations.

(3) The appropriate Governments and local authorities while formulating rehabilitation policies shall consult the non-governmental organisations working for the cause of persons with disabilities.

Insurance scheme for employees with disabilities.

67. (1) The appropriate Government shall by notification frame an insurance scheme for the benefit of its employees with disabilities.

(2) Notwithstanding anything contained in this section, the appropriate Government may instead of framing an insurance scheme frame an alternative security scheme for its employees with disabilities.

Unemployment allowance

68. The appropriate Governments shall within the limits of their economic capacity and development shall by notification frame a scheme for payment of an unemployment allowance to person with disabilities registered with the Special Employment Exchange for more than two years and who could not be placed in any gainful occupation.

CHAPTER XIV
MISCELLANEOUS

Punishment for fraudulently availing any benefit meant for persons with disabilities.

69. Whoever, fraudulently avails or attempts to avail, any benefit meant for persons with disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty thousand rupees or with both.

Chief Commissioners, Commissioners, officers and other staff to be public servants.

70. The Chief Commissioner, the Commissioners and other officers and staff provided to them shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 45 of 1860

Protection of action taken in good faith.

71. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Governments or the local authority or any officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any rules or orders made thereunder.

Act to be in addition to and not in derogation of any other law.

72. The provisions of this Act, or the rules made thereunder shall be in addition to, and not in derogation of any other law for the time being in force or any rules, order or any instructions issued thereunder, enacted or issued for the benefit of persons with disabilities.

Power of appropriate Government to make rules.

73. (1) The appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(a) the manner in which a State Government or a Union territory shall be chosen under clause (k) of sub-section (2) of section 3;

(b) allowances which members shall receive under sub-section (7) of section 4;

(c) rules of procedure which the Central Coordination Committee shall observe in regard to the transaction of business in its meetings under section 7;

(d) such other functions which the Central Coordination Committee may perform under clause (h) of sub-section (2) of section 8;

(e) the manner in which a State Government or a Union territory shall be chosen under clause (h) or sub-section (2) of section 9;

(f) the allowances which the Members shall receive under sub-section *(3)* of section 9.

(g) rules of procedure which the Central Executive Committee shall observe in regard to transaction of business at its meetings under section 11;

(h) the manner and purposes for which a person may be associated under sub section *(1)* of section 12;

(i) fee and allowances which a person associated with the Central Executive Committee shall receive under sub-section (3) of section 12;

(j) allowances which members shall receive under sub-section (7) of section 14;

(k) rules of procedure which a State Coordination Committee shall observe in regard to transaction of business in its meetings under section 17;

(l) such other functions which a State Coordination Committee may perform under clause (g) of sub-section *(2)* of section 18;

(m) the allowances which Members shall receive under sub-section (3) of section 19;

(n) rules of procedure which a State Executive Committee shall observe in regard to transaction of business at its meetings under section 21;

(o) the manner and purposes for which a person may be associated under sub section *(1)* of section 22;

(p) fees and allowances which a person associated with the State Executive Committee may receive under sub-section *(3)* of section 22;

(q) information or return which the employer in every establishment should furnish and the Special Employment Exchange to which such information or return shall be furnished under sub-section *(1)* of section 34;

(r) the form and the manner in which record shall be maintained by an employer under sub-section *(1)* of section 37;

(s) the form and manner in which an application shall be made under sub-section *(1)* of section 52;

(t) the manner in which an order of refusal shall be communicated under sub-section *(2)* of section 52;

(u) facilities or standards required to be provided or maintained under sub-section *(3)* of section 52;

(v) the period for which a certificate of registration shall be valid under clause *(a)* of sub-section *(4)* of section 52;

(w) the form in which and conditions subject to which a certificate of registration shall be granted under clause *(c)* or sub-section *(4)* of section 52;

(x) period within which an appeal shall lie under sub-section *(1)* of section 54;

(y) the manner in which an institution for persons with severe disabilities shall be maintained and conditions which have to be satisfied under sub-section *(3)* of section 56;

(z) the salary, allowances and other terms and conditions of service of the Chief Commissioner under sub-section *(3)* of section 57;

(za) the salary, allowances and other conditions of service of officers and employees under sub-section *(6)* of section 57;

(zb) intervals at which the Chief Commissioner shall report to the Central Government under clause *(d)* of section 58;

(zc) the salary, allowances and other terms and conditions of service of the Commissioner under sub-section *(3)* of section 60;

(zd) the salary - allowances and other conditions of service of officers and employees under sub-section *(6)* of section 60;

(ze) intervals within which the Commissioner shall report to the State Government under clause *(d)* of section 61;

(zf) the form and time in which annual report shall be prepared under sub-section *(1)* of section 64;

(zg) the form and time in which annual report shall be prepared under sub-section *(1)* of section 65;

(zh) any other matter which is required to be or may be prescribed.

(3) Every notification made by the Central Government under the provision to section 33, proviso to sub-section (2) of section 47, every scheme framed by it under section 27, section 30, sub-section (1) of section 38, section 42, section 43, section 67, section 68 and every rule made by it under sub-section (1), shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, notification or scheme, both houses agree that the rule, notification or scheme should not be made, the rule, notification or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, notification or scheme, as the case may be.

(4) Every notification made by the State Government under the provisio to section 33, proviso to sub -section (2) of section 47, every scheme made by it under section 27, section 30, sub-section (1) of section 38, section 42, section 43, section 67, section 68 and every rule made by it under sub-section (1), shall be laid, as soon as may be after it is made, before each House of State Legislature, where it consists of two Houses or where such legislature consists of one House before that House.

Amendment of Act 39 of 1987

74. In section 12 of the Legal Services Authorities Act, 1987, for clause (d), the following clause shall be substituted namely :—

(d) a person with disability as defined in clause (i) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995."

K.L. Mohanpuria
Secy, to the Govt. of India.

- Enrolment and retention drives.
- Special camps and bridge courses.
- Setting up special models of Alternative Schools.
- Strengthening of madarsas and maktabs for formal education to girls.
- Community mobilisation including setting up new working groups and working with existing working groups.
- Monitoring attendance.
- Remedial/coaching classes.
- Providing a congenial learning environment inside and outside the school.

viii. Training programme for community leaders to develop capacities for school management.

ix. Setting up of Block and Cluster Resource Centres for effective academic supervision.

x. Free textbooks to all girls/SC/ST children up to Class-VIII.

xi. Mid-day-meal programme to continue as at present.

xii. Incentives like uniforms and scholarships to be funded from State Plan only.

xiii. Adequate Teaching Learning Equipment for all Primary and Upper Primary schools.

xiv. At least 50 % of the teachers to be appointed have to be women.

xv. Provision for

- school and teacher grants for all teachers.
- 20-day in-service training each year for all teachers.
- all children with Special needs
- community-based monitoring, partnership with research and resource institutions, and periodic feedback on interventions

5.2 EDUCATION FOR CHILDREN WITH SPECIAL NEEDS

SSA will ensure that every child with special needs, irrespective of the kind, category and degree of disability, is provided education in an appropriate environment. SSA will adopt 'zero rejection' policy so that no child is left out of the education system.

Approaches and Options:

The thrust of SSA will be on providing integrated and inclusive education to all children with special needs in general schools. It will also support a wide range of approaches, options and strategies for education of children with special needs. This includes education through open learning system and open schools, non formal and alternative schooling, distance education and learning, special schools, wherever necessary, home based education, itinerant teacher model, remedial teaching, part time classes, community based rehabilitations (CBR) and vocational education and cooperative programmes.

Components: The following activities could form components of the programme:

a) *Early detection and identification*: A concerted drive to detect children with special needs at an early age should be undertaken through PHCs, ICDS, ECCE centres and other school readiness programmes. Identification of children with special needs should become an integral part of the micro-planning and household surveys.

b) *Functional and formal assessment* of each identified child should be carried out. A team should be constituted at every block to carry out this assessment and recommend most appropriate placement for every child with special needs.

c) *Educational Placement*: As far as possible, every child with special needs should be placed in regular schools, with needed support services.

d) *Aids and appliances*: All children requiring assistive devices should be provided with aids and appliances, obtained as far as possible through convergence with the Ministry of Social Justice and Empowerment, State Welfare Departments, National Institutions or NGOs.

e) *Support services*: Support services like physical access, resource rooms at cluster level, special equipment, reading material, special educational techniques, remedial teaching, curricular adaptation or adapted teaching strategies could be provided.

f) *Teacher training*: Intensive teacher training should be undertaken to sensitize regular teachers on effective classroom management of children with special needs. This training should be recurrent at block/cluster levels and integrated with the on-going in-service teacher training schedules in SSA. All training modules at SCERT, DIET

and BRC level, should include a suitable component on education of children with special needs.

g) *Resource support*: Resource support could be given by teachers working in special schools. Where necessary, specially trained resource teachers should be appointed, particularly for teaching special skills to children with special needs. Wherever this option is not feasible, long term training of regular teachers should be undertaken.

h) *Individualized Educational Plan (IEP)*: An IEP should be prepared by the teacher for every child with special needs in consultation with parents and experts. Its implementation should be monitored from time to time. The programme should test the effectiveness of various strategies and models by measuring the learning achievement of children with special needs periodically, after developing indicators.

i) *Parental training and community mobilization*: Parents of children with disabilities should receive counselling and training on how to bring them up and teach them basic survival skills. Strong advocacy and awareness programmes should form a part of strategy to educate every child with special needs. A component on disability should be included in all the modules for parents, VEC and community.

j) *Planning and management*: Resource groups should be constituted at state, district levels to undertake effective planning and management of the programmes in collaboration with PRIs and NGOs. An apex level resource group at the national level to provide guidance, technical and academic support to children with special needs under SSA may be constituted.

k) *Strengthening of special schools*: Wherever necessary, special schools may be strengthened to obtain their resource support, in convergence with departments and agencies working in that area.

l) *Removal of Architectural barriers*: Architectural barriers in schools will be removed for easy access. Efforts will be taken to provide disable-friendly facilities in schools and educational institutions. Development of innovative designs for schools to provide an enabling environment for children with special needs should also be a part of the programme.

m) *Research*: SSA will encourage research in all areas of education of children with special

needs including research for designing and developing new assistive devices, teaching aids, special teaching material and other items necessary to give a child with disability equal opportunities in education.

n) *Monitoring and evaluation*: On-going monitoring and evaluation should be carried out to refine the programme from time to time. For this, appropriate monitoring mechanisms should be devised at every level and field tested at regular intervals.

o) *Girls with disabilities*: Special emphasis must be given to education of girls with disabilities.

Convergence: All activities, interventions and approaches in the area of education for children with special needs will be implemented in convergence with existing scheme like Assistance to Disabled Persons for purchase/fittings of Aids/Appliances (ADIP), Integrated Education of the Disabled Children (IEDC) and in coordination with the Ministry of Social Justice and Empowerment, State Department of Welfare, National Institutions and NGOs.

Expenditure upto Rs. 1200 per disabled child could be incurred in a financial year to meet the special learning needs of such children. The ceiling on expenditure per disabled child will apply at the district level.

5.3 EARLY CHILDHOOD CARE AND EDUCATION

Realising the crucial importance of rapid physical and mental growth during early childhood, a number of programmes of ECCE were started particularly after the National Policy for Children (1974). The existing ECCE programmes include:

i. Integrated Child Development Scheme (ICDS).

ii. Scheme of assistance to voluntary organisations for conducting Early Childhood Education (ECE) centres.

iii. Balwadis and day-care centres run by voluntary agencies with Government's assistance.

iv. Pre-primary schools run by the State Governments, Municipal Corporations and other governmental and non-government agencies.

v. Maternal and child health services through primary health centres and sub-centres and other agencies.

ANNEXURE VIII

THE SALAMANCA STATEMENT

ON PRINCIPLES, POLICY AND PRACTICE IN SPECIAL NEEDS EDUCATION

Reaffirming the right to education of every individual, as enshrined in the 1948 Universal Declaration of Human Rights, and renewing the pledge made by the world community at the 1990 World Conference on Education for All to ensure that right for all regardless of individual differences,

Recalling the several United Nations declarations culminating in the 1993 United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities, which urges States to ensure that the education of persons with disabilities is an integral part of the education system,

Noting with satisfaction the increased involvement of governments, advocacy groups, community and parent groups, and in particular organizations of persons with disabilities, in seeking to improve access to education for the majority of those with special needs still unreached; and recognizing as evidence of this involvement the active participation of highlevel representatives of numerous governments, specialized agencies and intergovernmental organizations in this World Conference,

1.

We, the delegates of the World Conference on Special Needs Education representing ninety-two governments and twenty-five international organizations, assembled here in Salamanca, Spain, from 7-10 June 1994, hereby reaffirm our commitment to Education for All, recognizing the necessity and urgency of providing education for children, youth and adults with special educational needs within the regular education system, and further hereby endorse the Framework for Action on Special Needs Education, that governments and organizations may be guided by the spirit of its provisions and recommendations.

2.

We believe and proclaim that:

- every child has a fundamental right to education, and must be given the opportunity to achieve and maintain an acceptable level of learning,

- every child has unique characteristics, interests, abilities and learning needs,

- education systems should be designed and educational programmes implemented to take into account the wide diversity of these characteristics and needs,

- those with special educational needs must have access to regular schools which should accommodate them within a child-centred pedagogy capable of meeting these needs,

- regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; moreover, they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system.

3.

We call upon all governments and urge them to:

- give the highest policy and budgetary priority to improve their education systems to enable them to include all children regardless of individual differences or difficulties,

- adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise,

- develop demonstration projects and encourage exchanges with countries having experience with inclusive schools,

- establish decentralized and participatory mechanisms for planning, monitoring and evaluating educational provision for children and adults with special education needs,

- encourage and facilitate the participation of parents, communities and organization of persons with disabilities in the planning and decision-making processes concerning provision for special educational needs,

- invest greater effort in early identification and intervention strategies, as well as in vocational aspects of inclusive education,

- ensure that, in the context of a systemic change, teacher education programmes, both pre-service and in-service, address the provision of special needs education in inclusive schools.

4.

We also call upon the international community; in particular we call upon:

- governments with international cooperation programmes and international funding agencies, especially the sponsors of the World Conference on Education for All, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), and the World Bank:

  - to endorse the approach of inclusive schooling and to support the development of special needs education as an integral part of all education programmes;

  - the United Nations and its specialized agencies, in particular the International Labour Office (ILO), the World Health Organization (WHO), UNESCO and UNICEF:

  - to strengthen their inputs for technical cooperation, as well as to reinforce their cooperation and networking for more efficient support to the expanded and integrated provision of special needs education;

- non-governmental organizations involved in country programming and service delivery:

- to strengthen their collaboration with the official national bodies and to intensify their growing involvement in planning, implementation and evaluation of inclusive provision for special educational needs;

- UNESCO, as the United Nations agency for education:

  - to ensure that special needs education forms part of every discussion dealing with education for all in various forums,

  - to mobilize the support of organizations of the teaching profession in matters related to enhancing teacher education as regards provision for special educational needs,

  - to stimulate the academic community to strengthen research and networking and to establish regional centres of information and documentation; also, to serve as a clearinghouse for such activities and for disseminating the specific results and progress achieved at country level in pursuance of this Statement,

  - to mobilize funds through the creation within its next Medium-Term Plan (1996-2002) of an expanded programme for inclusive schools and community support programmes, which would enable the launching of pilot projects that showcase new approaches for dissemination, and to develop indicators concerning the need for and provision of special needs education.

5.

Finally, we express our warm appreciation to the Government of Spain and to UNESCO for the organization of the Conference, and we urge them to make every effort to bring this Statement and the accompanying Framework for Action to the attention of the world community, especially at such important forums as the World Summit for Social Development (Copenhagen, 1995) and the World Conference on Women (Beijing, 1995).

Adopted by acclamation, in the city of Salamanca, Spain, on this 10th of June, 1994.

FRAMEWORK FOR ACTION

ON SPECIAL NEEDS EDUCATION

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Introduction

1. This **Framework for Action on Special Needs Education** was adopted by the World Conference on Special Needs Education organized by the Government of Spain in co-operation with UNESCO and held in Salamanca from 7 to 10 June 1994. Its purpose is to inform policy and guide action by governments, international organizations, national aid agencies, non-governmental organizations and other bodies in implementing the **Salamanca Statement on Principles, Policy and Practice in Special Needs Education.** The **Framework** draws extensively upon the national experience of the participating countries as well as upon resolutions, recommendations and publications of the United Nations system and other intergovernmental organizations, especially the **Standard Rules on the Equalization of Opportunities for Persons with Disabilities**[1]. It also takes account of the proposals, guidelines and recommendations arising from the five regional seminars held to prepare the World Conference.

2. The right of every child to an education is proclaimed in the **Universal Declaration of Human Rights** and was forcefully reaffirmed by the **World Declaration on Education for All.**

1 United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities, A/RES/48/96, United Nations Resolution adopted by the General Assembly at its 48th session on 90 December 1993.

Every person with a disability has a right to express their wishes with regard to their education, as far as this can be ascertained. Parents have an inherent right to be consulted on the form of education best suited to the needs, circumstances and aspirations of their children.

3. The guiding principle that informs this Framework is that schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions. This should include disabled and gifted children, street and working children, children from remote or nomadic populations, children from linguistic, ethnic or cultural minorities and children from other disadvantaged or marginalized areas or groups. These conditions create a range of different challenges to school systems. In the context of this Framework, the term 'special educational needs' refers to all those children and youth whose needs arise from disabilities or learning difficulties. Many children experience learning difficulties and thus have special educational needs at some time during their schooling. Schools have to find ways of successfully educating all children, including those who have serious disadvantages and disabilities. There is an emerging consensus that children and youth with special educational needs should be included in the educational arrangements made for the majority of children. This has led to the concept of the inclusive school. The challenge confronting the inclusive school is that of developing a child-centred pedagogy capable of successfully educating all children, including those who have serious disadvantages and disabilities. The merit of such schools is not only that they are capable of providing quality education to all children; their establishment is a crucial step in helping to change discriminatory attitudes, in creating welcoming communities and in developing an inclusive

society. A change in social perspective is imperative. For far too long, the problems of people with disabilities have been compounded by a disabling society that has focused upon their impairments rather than their potential.

4. Special needs education incorporates the proven principles of sound pedagogy from which all children may benefit. It assumes that human differences are normal and that learning must accordingly be adapted to the needs of the child rather than the child fitted to preordained assumptions regarding the pace and nature of the learning process. A child-centred pedagogy is beneficial to all students and, as a consequence, to society as a whole. Experience has demonstrated that it can substantially reduce the drop-out and repetition that are so much a part of many education systems while ensuring higher average levels of achievement. A child-centred pedagogy can help to avoid the waste of resources and the shattering of hopes that is all too frequently a consequence of poor quality instruction and a 'one size fits all' mentality towards education. Child-centred schools are, moreover, the training ground for a people-oriented society that respects both the differences and the dignity of all human beings.

5. This **Framework for Action** comprises the following sections:

I. New thinking in special needs education

II. Guidelines for action at the national level

- A. Policy and organization
- B. School factors
- C. Recruitment and training of educational personnel
- D. External support services
- E. Priority areas
- F. Community perspectives
- G. Resource requirements

III. Guidelines for action at the regional and international level.

I

NEW THINKING IN SPECIAL NEEDS EDUCATION

6. The trend in social policy during the past two decades has been to promote integration and participation and to combat exclusion. Inclusion and participation are essential to human dignity and to the enjoyment and exercise of human rights. Within the field of education, this is reflected in the development of strategies that seek to bring about a genuine equalization of opportunity. Experience in many countries demonstrates that the integration of children and youth with special educational needs is best achieved within inclusive schools that serve all children within a community. It is within this context that those with special educational needs can achieve the fullest educational progress and social integration. While inclusive schools provide a favourable setting for achieving equal opportunity and full participation, their success requires a concerted effort, not only by teachers and school staff, but also by peers, parents, families and volunteers. The reform of social institutions is not only a technical task; it depends, above all, upon the conviction, commitment and good will of the individuals who constitute society.

7. The fundamental principle of the inclusive school is that all children should learn together, wherever possible, regardless of any difficulties or differences they may have. Inclusive schools must recognize and respond to the diverse needs of their students, accommodating both different styles and rates of

learning and ensuring quality education to all through appropriate curricula; organizational arrangements, teaching strategies, resource use and partnerships with their communities. There should be a continuum of support and services to match the continuum of special needs encountered in every school.

8. Within inclusive schools, children with special educational needs should receive whatever extra support they may require to ensure their effective education. Inclusive schooling is the most effective means for building solidarity between children with special needs and their peers. Assignment of children to special schools - or special classes or sections within a school on a permanent basis - should be the exception, to be recommended only in those infrequent cases where it is clearly demonstrated that education in regular classrooms is incapable of meeting a child's educational or social needs or when it is required for the welfare of the child or that of other children.

9. The situation regarding special needs education varies enormously from one country to another. There are, for example, countries that have well established systems of special schools for those with specific impairments. Such special schools can represent a valuable resource for the development of inclusive schools. The staff of these special institutions possess the expertise needed for early screening and identification of children with disabilities. Special schools can also serve as training and resource centres for staff in regular schools. Finally, special schools or units within inclusive schools - may continue to provide the most suitable education for the relatively small number of children with disabilities who cannot be adequately served in regular classrooms or schools. Investment in existing special schools should be geared to their new and expanded role of providing professional support to

regular schools in meeting special educational needs. An important contribution to ordinary schools, which the staff of special schools can make, is to the matching of curricular content and method to the individual needs of pupils.

10. Countries that have few or no special schools would, in general, be well advised to concentrate their efforts on the development of inclusive schools and the specialized services needed to enable them to serve the vast majority of children and youth - especially provision of teacher training in special needs education and the establishment of suitably staffed and equipped resource centres to which schools could turn for support. Experience, especially in developing countries, indicates that the high cost of special schools means, in practice, that only a small minority of students, usually an urban elite, benefit from them. The vast majority of students with special needs, especially in rural areas, are as a consequence provided with no services whatsoever. Indeed, in many developing countries, it is estimated that fewer than 1 per cent of children with special educational needs are included in existing provision. Experience, moreover, suggests that inclusive schools, serving all of the children in a community, are most successful in eliciting community support and in finding imaginative and innovative ways of using the limited resources that are available.

11. Educational planning by governments should concentrate on education for all persons, in all regions of a country and in all economic conditions, through both public and private schools.

12. Because in the past relatively few children with disabilities have had access to education, especially in the developing regions of the world, there are millions of adults with disabilities who lack even the rudiments of a basic education. A

concerted effort is thus required to teach literacy, numeracy and basic skills to persons with disabilities through adult education programmes.

13. It is particularly important to recognize that women have often been doubly disadvantaged, bias based on gender compounding the difficulties caused by their disabilities. Women and men should have equal influence on the design of educational programmes and the same opportunities to benefit from them. Special efforts should be made to encourage the participation of girls and women with disabilities in educational programmes.

14. This **Framework** is intended as an overall guide to planning action in special needs education. It evidently cannot take account of the vast variety of situations encountered in the different regions and countries of the world and must, accordingly, be adapted to fit local requirements and circumstances. To be effective, it must be complemented by national, regional and local plans of action inspired by a political and popular will to achieve **education for all.**

II

GUIDELINES FOR ACTION AT THE NATIONAL LEVEL

A. POLICY AND ORGANIZATION

15. *Integrated education and community-based rehabilitation represent complementary and mutually supportive approaches to serving those with special needs. Both are based upon the principles of inclusion, integration and participation, and represent well-tested and cost-effective approaches to promoting equality of access for those with special educational needs as part of a nationwide strategy aimed at achieving education for all. Countries are invited to consider the following actions concerning the policy and organization of their education systems.*

16. Legislation should recognize the principle of equality of opportunity for children, youth and adults with disabilities in primary, secondary and tertiary education carried out, in so far as possible, in integrated settings.

17. Parallel and complementary legislative measures should be adopted in the fields of health, social welfare, vocational training and employment in order to support and give full effect to educational legislation.

18. Educational policies at all levels, from the national to the local, should stipulate that a child with a disability should attend the neighbourhood school that is, the school that would be attended if the child did not have a disability. Exceptions to this rule

should be considered on a case-by-case basis where only education in a special school or establishment can be shown to meet the needs of the individual child.

19. The practice of 'mainstreaming' children with disabilities should be an integral part of national plans for achieving education for all. Even in those exceptional cases where children are placed in special schools, their education need not be entirely segregated. Part-time attendance at regular schools should be encouraged. Necessary provision should also be made for ensuring inclusion of youth and adults with special needs in secondary and higher education as well as in training programmes. Special attention should be given to ensuring equality of access and opportunity for girls and women with disabilities.

20. Special attention should be paid to the needs of children and youth with severe or multiple disabilities. They have the same rights as others in the community to the achievement of maximum independence as adults and should be educated to the best of their potential towards that end.

21. Educational policies should take full account of individual differences and situations. The importance of sign language as the medium of communication among the deaf, for example, should be recognized and provision made to ensure that all deaf persons have access to education in their national sign language. Owing to the particular communication needs of deaf and deaf/blind persons, their education may be more suitably provided in special schools or special classes and units in mainstream schools.

22. Community-based rehabilitation should be developed as part of a global strategy for supporting cost-effective education and training for people with special educational needs. Community

based rehabilitation should be seen as a specific approach within community development aimed at rehabilitation, equalization of opportunities and social integration of all people with disabilities: it should be implemented through the combined efforts of people with disabilities themselves, their families and communities, and the appropriate education, health, vocational and welfare services.

23. Both policies and financing arrangements should encourage and facilitate the development of inclusive schools. Barriers that impede movement from special to regular schools should be removed and a common administrative structure organized. Progress towards inclusion should be carefully monitored through the collection of statistics capable of revealing the number of students with disabilities who benefit from resources, expertise and equipment intended for special needs education as well as the number of students with special educational needs enrolled in regular schools.

24. Co-ordination between educational authorities and those responsible for health, employment and social services should be strengthened at all levels to bring about convergence and complementarity. Planning and co-ordination should also take account of the actual and potential role that semi-public agencies and non-governmental organizations can play. A particular effort needs to be made to elicit community support in meeting special educational needs.

25. National authorities have a responsibility to monitor external funding to special needs education and, working in co-operation with their international partners, to ensure that it corresponds to national priorities and policies aimed at achieving education for all. Bilateral and multilateral aid agencies, for their part, should carefully consider national

policies in respect of special needs education in planning and implementing programmes in education and related fields.

B. SCHOOL FACTORS

26. *Developing inclusive schools that cater for a wide range of pupils in both urban and rural areas requires: the articulation of a clear and forceful policy on inclusion together with adequate financial provision - an effective public information effort to combat prejudice and create informed and positive attitudes - an extensive programme of orientation and staff training - and the provision of necessary support services. Changes in all the following aspects of schooling, as well as many others, are necessary to contribute to the success of inclusive schools: curriculum, buildings, school organization, pedagogy, assessment, staffing, school ethos and extracurricular activities.*

27. Most of the required changes do not relate exclusively to the inclusion of children with special educational needs. They are part of a wider reform of education needed to improve its quality and relevance and to promote higher levels of learning achievement by all pupils. The **World Declaration on Education for All** underscored the need for a child-centred approach aimed at ensuring the successful schooling of all children. The adoption of more flexible, adaptive systems capable of taking fuller account of the different needs of children will contribute both to educational success and

inclusion. The following guidelines focus on points to be considered in integrating children with special educational needs into inclusive schools.

Curriculum flexibility

28. Curricula should be adapted to children's needs, not vice-versa. Schools should therefore provide curricular opportunities to suit children with different abilities and interests.

29. Children with special needs should receive additional instructional support in the context of the regular curriculum, not a different curriculum. The guiding principle should be to provide all children with the same education, providing additional assistance and support to children requiring it.

30. The acquisition of knowledge is not only a matter of formal and theoretical instruction. The content of education should be geared to high standards and the needs of individuals with a view to enabling them to participate fully in development. Teaching should be related to pupils' own experience and to practical concerns in order to motivate them better.

31. In order to follow the progress of each child, assessment procedures should be reviewed. Formative evaluation should be incorporated into the regular educational process in order to keep pupils and teachers informed of the learning mastery attained as well as to identify difficulties and assist pupils to overcome them.

32. For children with special educational needs a continuum of support should be provided, ranging from minimal help in regular classrooms to additional learning support programmes within the school and extending, where necessary, to the

provision of assistance from specialist teachers and external support staff.

33. Appropriate and affordable technology should be used when necessary to enhance success in the school curriculum and to aid communication, mobility and learning. Technical aids can be offered in a more economical and effective way if they are provided from a central pool in each locality, where there is expertise in matching aids to individual needs and in ensuring maintenance.

34. Capability should be built up and research carried out at national and regional levels to develop appropriate support technology systems for special needs education. States that have ratified the Florence Agreement should be encouraged to use this instrument to facilitate the free circulation of materials and equipment related to the needs of people with disabilities. Concurrently States that have not adhered to the Agreement are invited to do so in order to facilitate the free circulation of services and goods of educational and cultural nature.

School management

35. Local administrators and school heads can play a major role in making schools more responsive to children with special educational needs if they are given necessary authority and adequate training to do so. They should be invited to develop more flexible management procedures, to redeploy instructional resources, to diversify learning options, to mobilize child-to-child help, to offer support to pupils experiencing difficulties and to develop close relations with parents and the community. Successful school management depends upon the active and creative involvement of teachers

and staff, and the development of effective co-operation and team work to meet the needs of students.

36. School heads have a special responsibility in promoting positive attitudes throughout the school community and in arranging for effective co-operation between class teachers and support staff. Appropriate arrangements for support and the exact role to be played by various partners in the educational process should be decided through consultation and negotiation.

37. Each school should be a community collectively accountable for the success or failure of every student. The educational team, rather than the individual teacher, should share the responsibility for the education of special needs children. Parents and volunteers should be invited to take an active part in the work of the school. Teachers, however, play a key role as the managers of the educational process, supporting children through the use of available resources both within and outside of the classroom.

Information and research

38. The dissemination of examples of good practice could help to improve teaching and learning. Information on relevant research findings would also be valuable. Pooling of experience and the development of documentation centres should be supported at national level, and access to sources of information broadened.

39. Special needs education should be integrated into the research and development programmes of research institutions and curriculum development centres. Particular attention should be given in this area to action-research focusing on innovative

teaching-learning strategies. Classroom teachers should participate actively in both the action and reflection involved in such inquiries. Pilot experiments and in-depth studies should also be launched to assist in decision-making and in guiding future action. These experiments and studies could be carried out on a co-operative basis by several countries.

C. RECRUITMENT AND TRAINING OF EDUCATIONAL PERSONNEL

40. *Appropriate preparation of all educational personnel stands out as a key factor in promoting progress towards inclusive schools. Furthermore, the importance of recruiting teachers with disabilities who can serve as role models for children with disabilities is increasingly recognized. The following actions could be taken.*

41. Pre-service training programmes should provide to all student teachers, primary and secondary alike, positive orientation toward disability, thereby developing an understanding of what can be achieved in schools with locally available support services. The knowledge and skills required are mainly those of good teaching and include assessing special needs, adapting curriculum content, utilizing assistive technology, individualizing teaching procedures to suit a larger range of abilities, etc. In teacher-training practice schools, specific attention should be given to preparing all teachers to exercise their autonomy and apply their skills in adapting curricula and instruction to meet pupils needs as well as to collaborate with specialists and co-operate with parents.

42. The skills required to respond to special educational needs should be taken into account during assessment of studies and teacher certification.

43. As a matter of priority, written materials should be prepared and seminars organized for local administrators, supervisors, headteachers and senior teachers to develop their capacity to provide leadership in this area and to support and train less-experienced teaching staff.

44. The major challenge lies in providing in-service training to all teachers, taking into account the varied and often difficult conditions under which they serve. In-service training should, wherever possible, be developed at school level by means of interaction with trainers and supported by distance education and other self-instruction techniques.

45. Specialized training in special needs education leading to additional qualifications should normally be integrated with or preceded by training and experience as a regular education teacher in order to ensure complementarity and mobility.

46. The training of special teachers needs to be reconsidered with a view to enabling them to work in different settings and to play a key role in special educational needs programmes. A non-categorical approach encompassing all types of disabilities should be developed as a common core, prior to further specialization in one or more disability-specific areas.

47. Universities have a major advisory role to play in the process of developing special needs education, especially as regards research, evaluation, preparation of teacher trainers, and designing training programmes and materials. Networking among universities and institutions of higher learning in developed and developing countries should be promoted. Linking research and training in this way is of great

significance. It is also important to actively involve people with disabilities in research and training roles in order to ensure that their perspectives are taken fully into account.

48. A recurrent problem with education systems, even those that provide excellent educational services for students with disabilities, is the lack of role models for such students. Special needs students require opportunities to interact with adults with disabilities who have achieved success so that they can pattern their own lifestyles and aspirations on realistic expectations. In addition, students with disabilities should be given training and provided with examples of disability empowerment and leadership so that they can assist in shaping the policies that will affect them in later life. Education systems should therefore seek to recruit qualified teachers and other educational personnel who have disabilities and should also seek to involve successful individuals with disabilities from within the region in the education of special needs children.

D. EXTERNAL SUPPORT SERVICES

49. *Provision of support services is of paramount importance for the success of inclusive educational policies. In order to ensure that, at all levels, external services are made available to children with special needs, educational authorities should consider the following.*

50. Support to ordinary schools could be provided by both teacher-education institutions and by the outreach staff of special schools. The latter should be used increasingly as resource centres for ordinary schools offering direct support to those children with special educational needs. Both training institutions and special schools can provide access to specific devices and materials as well as training in instructional strategies that are not provided in regular classrooms.

51. External support by resource personnel from various agencies, departments and institutions, such as advisory teachers, educational psychologists, speech and occupational therapists, etc., should be co-ordinated at the local level. School clusters have proved a useful strategy in mobilizing educational resources as well as community involvement. Clusters of schools could be assigned collective responsibility for meeting the special educational needs of pupils in their area and given scope for allocating resources as required. Such arrangements

should involve non-educational services as well. Indeed, experience suggests that education services would benefit significantly if greater efforts were made to ensure optimal use of all available expertise and resources.

E. PRIORITY AREAS

52. *Integration of children and young people with special educational needs would be more effective and successful if special consideration were given in educational development plans to the following target areas: early childhood education to enhance the educability of all children, girls' education and the transition from education to adult working life.*

Early childhood education

53. The success of the inclusive school depends considerably on early identification, assessment and stimulation of the very young child with special educational needs. Early childhood care and education programmes for children aged up to 6 years ought to be developed and/or reoriented to promote physical, intellectual and social development and school readiness. These programmes have a major economic value for the individual, the family and the society in preventing the aggravation of disabling conditions. Programmes at this level should recognize the principle of inclusion and be developed in a comprehensive way by combining pre-school activities and early childhood health care.

54. Many countries have adopted policies in favour of early childhood education, either by supporting the development of

kindergartens and day nurseries or by organizing family information and awareness activities in conjunction with community services (health, maternal and infant care), schools and local family or women's associations.

Girls' education

55. Girls with disabilities are doubly disadvantaged. A special effort is required to provide training and education for girls with special educational needs. In addition to gaining access to school, girls with disabilities should have access to information and guidance as well as to models which could help them to make realistic choices and preparation for their future role as adult women.

Preparation for adult life

56. Young people with special educational needs should be helped to make an effective transition from school to adult working life. Schools should assist them to become economically active and provide them with the skills needed in everyday life, offering training in skills which respond to the social and communication demands and expectations of adult life. This calls for appropriate training technologies, including direct experience in real life situations outside school. Curricula for students with special educational needs in senior classes should include specific transitional programmes, support to enter higher education whenever possible and subsequent vocational training preparing them to function as independent, contributing members of their communities after leaving school. These activities should be carried out with the active

involvement of vocational guidance counsellors, placement offices, trade unions, local authorities, and the different services and agencies concerned.

Adult and continuing education

57. Persons with disabilities should be given special attention in the design and implementation of adult and continuing education programmes. Persons with disabilities should be given priority access to such programmes. Special courses should also be designed to suit the needs and conditions of different groups of adults with disabilities.

F. COMMUNITY PERSPECTIVES

58. *Realizing the goal of successful education of children with special educational needs is not the task of the Ministries of Education and schools alone. It requires the co-operation of families, and the mobilization of the community and voluntary organizations as well as the support of the public-at-large. Experience from countries or areas that have witnessed pro - gress in equalizing educational opportunities for children and youth with special educational needs suggests several useful lessons.*

Parent partnership

59. The education of children with special educational needs is a shared task of parents and professionals. A positive attitude on the part of parents favours school and social integration. Parents need support in order to assume the role of a parent of a child with special needs. The role of families and parents could be enhanced by the provision of necessary information in simple and clear language; addressing the needs for information and training in parenting skills is a particularly important task in cultural environments where there is little tradition of schooling. Both parents and teachers may need

support and encouragement in learning to work together as equal partners.

60. Parents are privileged partners as regards the special educational needs of their child, and to the extent possible should be accorded the choice in the type of education provision they desire for their child.

61. A co-operative, supportive partnership between school administrators, teachers and parents should be developed and parents regarded as active partners in decision-making. Parents should be encouraged to participate in educational activities at home and at school (where they could observe effective techniques and learn how to organize extra-curricular activities), as well as in the supervision and support of their children's learning.

62. Governments should take a lead in promoting parental partnership, through both statements of policy and legislation concerning parental rights. The development of parents' associations should be promoted and their representatives involved in the design and implementation of programmes intended to enhance the education of their children. Organizations of people with disabilities should also be consulted concerning the design and implementation of programmes.

Community involvement

63. Decentralization and local-area-based planning favours greater involvement of communities in education and training of people with special educational needs. Local administrators should encourage community participation by giving support to

representative associations and inviting them to take part in decision-making. To this end, mobilizing and monitoring mechanisms composed of local civil administration, educational, health and development authorities, community leaders and voluntary organizations should be established in geographical areas small enough to ensure meaningful community participation.

64. Community involvement should be sought in order to supplement in-school activities, provide help in doing homework and compensate for lack of family support. Mention should be made in this connection of the role of neighbourhood associations in making premises available, the role of family associations, youth clubs and movements, and the potential role of elderly people and other volunteers, including persons with disabilities, in both in-school and out-of-school programmes.

65. Whenever action for community-based rehabilitation is initiated from outside, it is the community that must decide whether the programme will become part of the ongoing community development activities. Various partners in the community, including organizations of persons with disabilities and other non-governmental organizations, should be empowered to take responsibility for the programme. Where appropriate, government agencies at both the national and local level should also lend financial and other support.

Role of voluntary organizations

66. As voluntary associations and national non-governmental organizations have more freedom to act and can respond more readily to expressed needs, they should be supported in developing new ideas and pioneering innovative delivery

methods. They can play the roles of innovator and catalyst and extend the range of programmes available to the community.

67. Organizations of people with disabilities i.e., those in which they themselves have the decisive influence - should be invited to take an active part in identifying needs, expressing views on priorities, administering services, evaluating performance and advocating change.

Public awareness

68. Policy-makers at all levels, including the school level, should regularly reaffirm their commitment to inclusion and promote positive attitudes among children, among teachers and among the public-at-large towards those with special educational needs.

69. Mass media can play a powerful role in promoting positive attitudes towards the integration of disabled persons in society, overcoming prejudice and misinformation, and infusing greater optimism and imagination about the capabilities of persons with disabilities. The media can also promote positive attitudes of employers toward hiring persons with disabilities. The media should be used to inform the public on new approaches in education, particularly as regards provision for special needs education in regular schools, by popularizing examples of good practice and successful experiences.

G. RESOURCE REQUIREMENTS

70. *The development of inclusive schools as the most effective means for achieving education for all must be recognized as a key government policy and accorded a privileged place on the nation's development agenda. It is only in this way that adequate resources can be obtained. Changes in policies and priorities cannot be effective unless adequate resource requirements are met. Political commitment, at both the national and community level, is needed both to obtain additional resources and to redeploy existing ones. While communities must play a key role in developing inclusive schools, government encouragement and support is also essential in devising effective and affordable solutions.*

71. The distribution of resources to schools should take realistic account of the differences in expenditure required to provide appropriate education for all children, bearing in mind their needs and circumstances. It may be realistic to begin by supporting those schools that wish to promote inclusive education and to launch pilot projects in some areas in order to gain the necessary expertise for expansion and progressive generalization. In the generalization of inclusive education, the level of support and expertise will have to be matched to the nature of the demand.

72. Resources must also be allocated to support services for the training of mainstream teachers, for the provision of resource centres and for special education teachers or resource teachers. Appropriate technical aids to ensure the successful operation of an integrated education system must also be provided. Integrated approaches should, therefore, be linked to the development of support services at central and intermediate levels.

73. Pooling the human, institutional, logistic, material and financial resources of various ministerial departments (Education, Health, Social Welfare, Labour, Youth, etc.), territorial and local authorities, and other specialized institutions is an effective way to maximize their impact. Combining both an educational and a social approach to special needs education will require effective management structures enabling the various services to co-operate at both national and local levels, and allowing the public authorities and associative bodies to join forces.

III

GUIDELINES FOR ACTION AT THE REGIONAL AND INTERNATIONAL LEVEL

74. *International co-operation among governmental and non-governmental, regional and interregional organizations can play a very important role in supporting the move towards inclusive schools. Based on past experience in this area, international organizations, intergovernmental and non-governmental as well as bilateral donor agencies, could consider joining forces in implementing the following strategic approaches.*

75. Technical assistance should be directed to strategic fields of intervention with a multiplier effect, especially in developing countries. One important task for international co-operation is to support the launching of pilot projects aimed at trying out new approaches and at capacity building.

76. The organization of regional partnerships or partnership among countries with similar approaches in special needs education could result in the planning of joint activities under the auspices of existing regional or other co-operative mechanisms. Such activities should be designed to take advantage of economies of scale, to draw upon the experience of participating countries, and to further the development of national capabilities.

77. A priority mission incumbent upon international organizations is to facilitate exchange of data, information and results of pilot

programmes in special needs education between countries and regions. Collection of internationally comparable indicators of progress in inclusion in education and employment should become a part of the worldwide database on education. Focal points might be established in sub-regional centres in order to facilitate information exchanges. Existing structures at the regional and international levels should be strengthened and their activities extended to such fields as policies, programming, training of personnel and evaluation.

78. A high percentage of disability is the direct result of lack of information, poverty and low health standards. As the worldwide prevalence of disabilities is increasing, particularly in the developing countries, there should be joint international action in close collaboration with national efforts to prevent the causes of disability through education which, in turn, would reduce the incidence and prevalence of disabilities, thereby further reducing the demands on the limited financial and human resources of a country.

79. International and technical assistance to special needs education derives from numerous sources. It is, therefore, essential to ensure coherence and complementarity among organizations of the United Nations system and other agencies lending assistance in this area.

80. International co-operation should support advanced training seminars for educational managers and other specialists at the regional level and foster co-operation between university departments and training institutions in different countries for conducting comparative studies as well as for the publication of reference documents and instructional materials.

81. International co-operation should assist in the development of regional and international associations of professionals

concerned with the enhancement of special needs education and should support the creation and dissemination of newsletters or journals as well as the holding of regional meetings and conferences.

82. International and regional meetings covering issues related to education should ensure that special educational needs are addressed as an integral part of the debate and not as a separate issue. As a concrete example, the issue of special needs education should be put on the agenda of regional ministerial conferences organized by UNESCO and other intergovernmental bodies.

83. International technical co-operation and funding agencies involved in support and development of Education for All initiatives should ensure that special needs education is an integral part of all development projects.

84. International co-ordination should exist to support universal accessibility specifications in communication technology underpinning the emerging information infrastructure.

85. This Framework for Action was adopted by acclamation after discussion and amendment in the Closing Session of the Conference on 10 June 1994. It is intended to guide Member States and governmental and non-governmental organizations in implementing the Salamanca Statement on Principles, Policy, and Practice in Special Needs Education.

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